Manitoba Constitutional Task Force

February 8, 1991
Winnipeg, Manitoba

No. 7

Chairman: Professor Wally Fox-Decent

91-05030/

MANITOBA CONSTITUTIONAL TASK FORCE

Friday, February 8, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

Mr. James Carr (Member for Crescentwood)

Ms. Jean Friesen (Member for Wolseley)

Mr. Oscar Lathlin (Member for The Pas)

Hon. James McCrae (Member for Brandon West)

Hon. Darren Praznik (Member for Lac du Bonnet)

Mrs. Shirley Render (Member for St. Vital)

* Substituting for Mr. James Carr (Member for Crescentwood) at 7 p.m., Mr. Gulzar Cheema (Member for The Maples)

* Substituting for Hon. Darren Praznik (Member for Lac du Bonnet) until 1:30 p.m., Mr. Edward Helwer (Member for Gimli)

Support Staff for the Manitoba Constitutional Task Force

Professor S. Gallagher, Research Director

Kathleen Mico, Research Officer

Terry Simmonds, Research Officer

Vic Toews, Legal Counsel

Witnesses:

Susan Hart-Kulbaba and John Doyle, Manitoba Federation of Labour

Harry DeLeeuw and Marilyn Billinkoff, Manitoba Real Estate Association

Lorraine Frédette, Réseau

Mary Paley, Private Citizen

John Feldsted, Private Citizen

Robin Faye, Private Citizen

Tom Barker, Private Citizen

Sidney R. Wolchock, Private Citizen

Peter Sim, Private Citizen

Paul Thomas, Private Citizen

Shirley Lord, Choices Coalition for Social Justice

Kris Breckman, Private Citizen

R. A. Gallop, Private Citizen

Patrick Riley, Private Citizen

Jeff Saranchuk, Private Citizen

Russ Wyatt, Private Citizen

Edward Rice, Private Citizen

Gerald Zucawich, Private Citizen

Susan White, Oxfam-Canada

John Ishmael, Council for New Canadians

Don Browne, Manitoba Peace Council

Dennis Epps, Private Citizen

Ruth Breckman, Private Citizen

Bernie Wolfe, Private Citizen

Halina Garlicki, Private Citizen

S. Long, Private Citizen

Ron W. Coley, Private Citizen

Bob Wasincuna, Private Citizen

Bob Parsons, Private Citizen

Margaret Hughes, The Sisters of Sion

Joe Anderson, Private Citizen

Debbie Burns, Private Citizen

Matters Under Consideration:

Public Presentations—Manitoba Constitutional Task Force

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Mr. Chairman: Good morning, ladies and gentlemen. Welcome to our seventh day of public hearings in Manitoba of the Manitoba Constitutional Task Force. Welcome to those here with us in the Legislative Building this morning and also those who are watching us on television.

* (1005)

Our purpose, as you all well know, is to hear Manitobans on the subject of Canada's future and Manitoba's place in that future, together with whatever you may wish to tell us about constitutional matters.

We have heard a great deal as we have moved through several locations outside of Winnipeg. We had two days of public hearing in the city. We will be carrying forward today all day and tomorrow all day.

We have now scheduled an extra day of hearings next Monday. There has been quite an encouraging level of interest in the process. With a number of citizens coming forward in the last week we felt it necessary to add one more day of public hearings.

The rules for presentation are printed in the pamphlet. May I just go over those that are immediately relevant to our process this morning. When your name is called we would ask you to come forward if you will, please, and take your place at the table. A written presentation, if you have one, we would be glad to have it ahead of time so we can distribute it to the Members of the task force, but a written presentation is not necessary. We are happy to hear you. Whatever you have to say will in fact be recorded and will be printed.

There will be a daily printing of the proceedings of the task force. If you are a presenter we will see that a copy is sent to you of the day on which you presented. If you are interested in a full set of the hearing transcripts, if you would be good enough to speak to one of the staff, we will be able to accommodate you.

There is a 20-minute time limit on presentations. You will hear a bell after 15 minutes, which indicates obviously that you have five minutes left. There will be a double bell at 20 minutes when we would ask you to conclude your remarks. After that there is an opportunity for task force Members to ask questions. Sometimes we do and sometimes we do not.

If we do not ask you questions, please do not feel that is any reflection on your presentation. It may very well be that the presentation is perfectly clear, that the material in it does not require amplification in the view of task force Members, and so there will be no questions. On other occasions there is a desire to pursue something further that you have said in your presentation.

I am happy to introduce the Members of the task force who are with me this morning. You will see the names again in the pamphlet, but substitutions are permitted. We do quite often have one or more Members of the task force who cannot attend for some reason of other engagement, and we therefore have someone replace them.

Starting on my far left this morning is Mr. Ed Helwer, who is the Conservative Member of the Legislature for Gimli. Next to him is Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley. On my immediate left, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Crescentwood. On my far right, Mr. Oscar Lathlin who is the New Democratic Member of the Legislature for The Pas. Next to him is the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister of Justice, Minister for Constitutional Affairs in the Manitoba Government. On my immediate right is Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital. My name is Wally Fox-Decent.

* (1010)

We are now ready for our first presenter and it is the Manitoba Federation of Labour. The presenter is Susan Hart-Kulbaba. I know she will introduce her colleagues.

Ms. Susan Hart-Kulbaba (Manitoba Federation of Labour): Good morning, Members. I will in fact introduce my colleagues. To my immediate left is Rob Hilliard, the co-ordinator of the Federation of Labour, my assistant, and our research and communications director to my right is Mr. John Doyle.

The MFL is an organization which is mandated to speak on behalf of more than 88,000 union members and their families. It is a structure that provides a focus for members of organized labour to seek improvements in their economic and social conditions, and it is within this context that this presentation has been prepared.

The MFL congratulates all Members of the Legislature for this undertaking. It is through this type of dialogue that Manitobans will have the opportunity to articulate their concerns about the fragmented state of our country, the destruction of a hard-fought-for quality of life, the advancement of the corporate and right-wing agendas at the expense of other more socially conscious agendas, and the diminishing impact that Canadians are able to have on Government policy, particularly for those who live outside of central Canada. It is also an opportunity for Manitobans to share with you their hopes and aspirations for the future, their vision of the kind of country they want to live in.

Of course, this opportunity is something that Manitobans, unlike most other Canadians, have a right to expect. This is the greatest departure from the sometimes regressive public policy process that exists elsewhere in Canada. Having stated that, it is unfortunate that again there seems that this consultation process is taking place in an atmosphere of haste. One would hope that a discussion of this importance would be carried out with enough time as possible allocated for cogent consideration and public debate.

The process that led to the Meech Lake Accord was fundamentally flawed by the absence of direct public contributions to one of the most important discussions ever to occur in this country. The Prime Minister and a handful of provincial First Ministers presumed to initiate a series of discussions that profoundly altered conditions in Canada and could have substantially altered the structure of our country. What is most curious is the Prime Minister's amazement that the Meech Lake Accord was rejected by a large number of Canadians. He unfairly labelled dissenters as anti-Quebec or anti-Canadian because they refused to accept his vision of this country.

It is hard to imagine a greater attack on democracy in our society than the closed loop that led to the development of the P.M.'s vision of constitutional reform and his attack on citizens who had the temerity to object. To Manitoba's credit, it was one of the few jurisdictions to hold public hearings and seek the views of residents of this province before taking action as participants in the Meech Lake Accord talks. Fortunately, the courage of Elijah Harper, the MLA for Rupertsland, prevented the passage of the accord in Canada, averting an unacceptable alteration to the fabric of Canada.

If there was a positive aspect to the agony of Meech Lake, it was that it pointed out that changes are necessary to the structure of Canada. These hearings will, in part, ensure that these changes are proposed, that Manitobans will at least have the opportunity to express their views, and they will not be the product of backroom dealings or subject to the P.M.'s roll of the dice.

The MFL believes that the only direct public consultation and policy that flows from the consultation will result in a truly democratic constitutional reform process in our country. That this is occurring in Manitoba is a credit to our political process and the men and women who sit in our Legislature.

I would really like to skip past the area in my brief about the context of this constitutional reform, leave that for your own perusal for the sake of time and move directly to the things that we would like to see changed, the reforms that we are asking for. If you want to catch up, it is about page 6.

Senate: There are many who view changes to the existing Senate of Canada as some sort of panacea for many of the political structural problems that currently exist in our country. The Manitoba Federation of Labour regards the Senate as a "golden handshake" for political bagmen and party hacks, little more than a payoff for years of service to the parties that appoint them.

* (1015)

The only Senate reform that needs to be accomplished is the Triple-A Senate—abolish, abolish, abolish.

If Canadians outside of central Canada feel left out of the political decision-making process in the House of Commons, it is because of a lack of regional representation, then it is a flaw of the House and that is where it should be fixed. The Manitoba Federation of Labour is committed to the proposition that Members of Parliament, elected directly by the people of Canada must be the supreme decision-making body in our country. Their decisions should reflect the concerns of those who elected them and they should be held accountable. Their decisions should not be second guessed or overturned by another political body. The only checks should be the Constitution and the Charter of Rights and Freedoms.

Reforms of the House of Commons structure will only be effective if they bring about fairer representation for all Canadians. Creativity and tolerance will be required to bring these reforms about since they will no doubt result in a redistribution of political power from central Canada to other regions.

There are those who say the redistribution of political power by increasing the number of seats in underrepresented regions, or decreasing the number in central Canada, is an attack on the principle of rep by pop. Representation by population is precisely the concept that has resulted in an overwhelming number of seats in central Canada and fewer seats in the other regions of the country. Slavish adherence to the concept will only serve to perpetuate the problem or result in the addition of another layer to the political structure, i.e., the Senate, and that may frustrate the will of the House of Commons and the electorate.

Both options have a great danger attached to them and are unacceptable.

Two comments about rep by pop are in order at this point. One, it is a concept that was originally developed and applied in the context of a city state, hardly the description of a 5,000 kilometre wide country with uneven population distribution. Two, our current rules of seat distribution in Parliament already make significant exceptions to the concept. For example, Prince Edward Island is constitutionally guaranteed four federal ridings, even though the entire province has a population of about 130,000. In addition, guidelines used to establish the size of a federal riding are such that as much as 50 percent variance can occur between ridings.

Clearly, while legislators and the people of Canada speak about the principle of rep by pop in hushed tones, there are already substantive departures from it in order to reflect the realities of a scattered population living over a vast expanse of land. The MFL suggests that establishing a fair balance or political power sharing in Canada is a need that warrants a departure from the strict doctrine of representation by population and instead calls for a Canadian version of fair political representation. There is bound to be a measure of controversy attached to this proposition; however, the MFL is of the opinion that it will result in a fairer sharing of political power in Canada. In the final analysis, greater fairness is the whole point of constitutional reform.

To make a long story short, if the House of Commons is broken, fix it. Do not tinker with a flawed Senate which Canadians have come to associate with self-serving political pork-barrelling. Abolish it.

If something positive flowed from Meech, it is the fact that the national focus served to point out a number of notable constitutional deficiencies, among them labour rights. Currently, workers in Canada have a right to form a union through their constitutional right to associate. There is no attendant right to bargain collectively, which after all is the whole point of forming a union. Similarly, there is no constitutional protection for the right to strike, the fundamental right to withdraw services from an employer who is not willing to bargain or agree to fair terms of employment.

Too many workers are effectively denied their right to associate by employers who simply refuse to bargain or effectively refuse to bargain through bad faith negotiations. In order to ensure workers benefit from their right to associate with each other, there must be constitutional recognition of their right to bargain collectively.

* (1020)

Another persistent erosion of the right to associate and what we maintain is our right to bargain collectively is the excessive use of legislation that strips away the right to strike from many workers, denying them the only effective tool they have to convince employers to treat their concerns and demands seriously. This limitation of rights has been practised by a number of Governments in Canada and is almost invariably characterized by the classification of an excessive number of workers as performing essential services. There is nothing more than a mechanism to prevent any strike from being effective and enabling the employer to quite literally starve workers into submission.

There is a growing number of cases of unreasonable limitations being placed on striking or locked-out workers who are attempting to carry out their job action by picketing their employer's premises. These limitations often doom the efforts of the workers to failure and almost exclusively benefits employers in an unfair manner. If the above mentioned workers rights are to have any meaning, their right to assemble and picket must be protected in the Constitution.

The developing controversy surrounding mandatory drug testing debate makes it clear that existing guarantees of a person's right to privacy and to control one's own body are not adequate. A remedy exists in the use of the Constitution to firmly fix these rights in a fundamental law of the land. Without exploring the nuances of the debate in this paper, the MFL is convinced that individuals have these fundamental rights and that they should be spelled out in unambiguous language within the Constitution.

The Manitoba Federation of Labour is committed to the entrenchment of rights for aboriginal peoples in the Constitution. We support the principles put forward by the Assembly of Manitoba Chiefs. The principles are: (1) the recognition of aboriginal peoples as the original and fundamental characteristic of Canada; (2) the recognition of aboriginal peoples as distinct societies with protection for aboriginal languages, cultures, traditions and institutions; (3) the fulfillment of all treaties including the land claims agreements between the aboriginal peoples and non-aboriginal governments; (4) the explicit recognition and protection of the inherent right to self-government to aboriginal peoples; (5) the explicit recognition and protection of the right of aboriginal title; (6) the right of aboriginal peoples to participate as equals in the process of constitutional change.

We watched in horror last summer as the Governments of Quebec and Canada once again chose violence and confrontation in Oka, instead of engaging in meaningful negotiations to address the legitimate concerns of the Mohawks. We fear that this episode is just the most recent incident of violence with more to come in the future if the above-noted principles do not become the constitutional base for future relations.

Our right to economic security: Canadians need and would benefit from a constitutional recognition of their right to economic security. It is a simple fact of reality that people need a job if they are to take part in economic rewards of a wealthy country such as Canada. Those unable to work because of disability, family responsibilities, social deprivation or age still require financial security.

The recognition of this right also recognizes the role and responsibility the Government has in maintaining a healthy mixed economy. Ensuring there is economic activity, be it through public spending, joint ventures or other mechanisms is an expectation Canadians have of their senior Governments. Unfortunately, meeting these responsibilities in this regard is not always given the priority it deserves by Governments of the laissez-faire persuasion.

Society's responsibility to individuals who are, through no fault of their own, deprived and unable to participate in uncontrolled economic activity should be recognized in the Constitution to ensure these people are able to live above the poverty line. Of course, this would do away with the poverty line. That would be acceptable.

Other jurisdictions have contemplated the rights that should be enshrined in a formal document, including the Council of Europe. When it was created in 1949, the member nations committed themselves to make the respect of human rights and fundamental freedoms the aim of their venture.

The first international treaty to be concluded by the Council of Europe was the European Convention on Human Rights. It is an instrument that assures real protection of fundamental rights and freedoms and establishes a jurisdictional mechanism capable of guaranteeing their respect.

In 1961, the European Social Charter was signed and it came into force in 1965 after being ratified by five states. The Social Charter is the convention on Human Rights counterpart in the sphere of economic and social rights. It guarantees the enjoyment without discrimination of the following rights: the right to work, the right to just conditions of work, the right to safe and healthy working conditions, the right to fair remuneration, the right to organize, the right to bargain collectively including the right to strike, the right of children and young persons to protection, the right of employed women to protection, the right to vocational guidance, the right to vocational training, the right to protection of health, the right to social security, the right to social and medical assistance, the right to benefit from social welfare services, the right of physically and mentally disabled persons to vocational training, rehabilitation and social settlement, the right of the family to social, legal and economic protection, the right of mothers and children to social and economic protection.

* (1025)

In 1988, the member states of the Council of Europe put their signatures to an additional protocol to their Social Charter extending its protection to include the following: all workers have the right to equal opportunities and equal treatment in the matters of employment and occupation without discrimination on the grounds of sex; workers have the right to be informed and to be consulted within the undertaking; workers have the right to take part in the determination and improvement of the working conditions and the working environment in the undertaking; and every elderly person has the right to social protection.

The MFL endorses these progressive rights and protections as being fundamental to an acceptable quality of life for all workers. This should be the level playing field where economic activity takes place, not the lowest common denominator approach borrowed by North American free traders which diminishes people's rights. We urge this task force to consider very carefully each of these points.

Two important aspects of life in Canada should be enshrined in the Constitution: the universal right to quality health care and the right to an affordable, high-quality post-secondary education.

Canadians regard these vital services as characteristic of our society, two of those things that make Canada, Canada, setting us apart from the more cynical and uncaring nations of the world.

The need for constitutional protection is demonstrated by the existence of Bill C-69. This piece of legislation will mean an end to federal transfer payments for health care and post-secondary education by the middle of the first decade of the next century. C-69 is another result of the tax holiday for profitable corporations that has developed over the last four decades.

It is the MFL's belief that C-69 also results from the free trade harmonization policy that has been put in place by the current federal Government. Corporations want to be free of whatever portion of their remaining tax load that can be attributed to supporting health and education systems and be free to operate in an environment more similar to that of the U.S.

It is absolutely essential that a federal Government commit to at least 50-50 funding, and the maintenance of national standards for these important social programs be given the shelter of the Constitution and placed beyond the range of political meddling.

There have been a number of references in our presentation to the dwindling level of fairness in Canada's taxation structure. It is appropriate that Canadians' right to fairness in taxation should be described in the Constitution since it seems to evaporate relatively easily when it is left vulnerable to Party politics.

If corporations are endowed with the same status as individuals for some purposes, then it is appropriate that they be expected to live up to the same tax responsibilities as individuals, and that includes paying taxes for the benefits of society as a whole.

The Meech Lake Accord debate served notice on women everywhere in Canada that it is within the realm of possibility that their human rights may take second place to other considerations. It makes sense to protect women's rights by describing them in Canada's Constitution or in a charter of rights and freedoms that cannot be derogated by constitutional amendment.

Constitutional reform should not limit or supersede protection for women's rights. In addition, the MFL is convinced that women need constitutional protection for their right to be in control of their own bodies. This should be spelled out in ambiguity, free language, so that the subject is beyond debate and not vulnerable to creative interpretation.

From time to time every Constitution requires amendment to ensure that it is continues to reflect the needs and aspirations of the society which spawns it. It is reality that amending formulas rarely, if ever, please everyone. The MFL recommends to this task force that amendments to the Constitution be accomplished through the agreement of seven provinces representing 50 percent or more of the population.

In spite of the fact that the Meech Lake Accord was stymied, much to our relief because of the current unanimity requirement, we remain of the opinion that this is an unreasonable test. We do not pretend to be constitutional experts. We do not presume to maintain that a better formula does not exist. We propose this because the current state of affairs does not seem practical, and no other option that has come to our attention seems better than the model we endorse.

In closing, the MFL and its 88,000 members and their families thank the Members of this task force for listening to our concerns and hopes for the future of our society. We appreciate that you have undertaken a demanding task, and we wish you well in your deliberations leading to your interim and final reports. Thank you.

Mr. Chairman: Thank you very much. Questions. Mrs. Render?

* (1030)

Mrs. Shirley Render (Member for St. Vital): Yes, I was interested in your comments—I believe it was on page 7—with reference to P.E.I. I wonder if you have done any work on that particular aspect that you have introduced here, so that the House of Commons, rather than having representation by population, there is a more fair distribution of seats. You have just sort of touched upon it here. This is one of the reasons why many people have suggested the Triple-E Senate to give a better representation to those provinces which are underpopulated or, you know, less populous. You have suggested something else, and I wonder if you could expand upon it.

Ms. Hart-Kulbaba: We have touched upon this because we believe in the supremacy really of the House of Commons, so fixing the Senate would not accomplish what we believe to be the role of the House.

In terms of have we done a lot greater detail, seat redistribution, no, we have not sat down and said who should get what. We are of the opinion that in fact there can be regional adjustments done and that to a certain extent rep by pop can be maintained within those regions, but that the regional considerations of population distribution across this country have to be taken into account when we are discussing the number of seats in the House of Commons for each region.

Ms. Jean Friesen (Member for Wolseley): Thank you for the presentation. I was particularly interested, and I have one or two questions, but the first one is on page 11. When you are talking about the European Social Charter, and the first item is guaranteeing the right to work. Now that phrase has some unpleasant connotations in Canada. Could you explain how it works in this context and what exactly it is you are endorsing here?

Ms. Hart-Kulbaba: We are endorsing a full employment policy, and the right for people to have work, maintain work.

Ms. Friesen: Is that how it is interpreted in Europe?

Ms. Hart-Kulbaba: Yes. The right to organize is farther down and of course that is the connotation that has been given to the words. Right-to-work legislation in other jurisdictions is the right not to organize or the right to have a union-free environment. Right to work here deals specifically with the right of people to have a job, work and be productive.

Ms. Friesen: Have there been judgments on that, that would confirm that interpretation?

Ms. Hart-Kulbaba: John may be able to help on that.

Mr. John Doyle (Manitoba Federation of Labour): No, in terms of judgments based on the social charter, I am afraid that I have not had any access to the jurisprudence that may exist in this area. However, I think it is interesting to note that in the European context this is regarded as fundamental to economic security more so than its application in the North American context, which is basically union busting and seeking the lowest common economic denominator. That is the principal difference.

Ms. Friesen: Okay, thank you for that clarification. I was also interested, I think it is on page 6 where you emphasize your support for the abolition of the Senate, but you also say that the only check should be the Constitution or the Charter of Rights and Freedoms, and presumably the interpretations which are offered by the courts for those rights. Would you be recommending at the same time any changes in the way in which judges are selected since so much of this political power is going to be turned over to the hands of judges?

Ms. Hart-Kulbaba: There has certainly been debate about that within our federation, but we do not have a policy on it at this point.

Ms. Friesen: I see, okay.

Mr. James Carr (Member for Crescentwood): Thank you for your presentation, I enjoyed it very much. Perhaps conspicuous though in its absence is any mention to Quebec and the constitutional negotiation that is upcoming with the Province of Quebec. Canadians have often been accused of perpetuating the two solitudes: we do not travel enough to each other's part of the country; there are not enough student exchanges; there is not enough exchange between people.

I wonder if in the presentation of this brief, or in your normal course of activity, you have communication or consultation with the trade union movement in the province of Quebec, if there was any attempt to co-ordinate the kinds of presentations that working people would make to constitutional task forces across the country.

Ms. Hart-Kulbaba: We do, in fact, formally through the Canadian Labour Congress, have the opportunity to speak with the formal labour movement structures in Quebec. There are more informal discussions with our brothers and sisters in Quebec that go on than in fact this. In 1983, I think, at the CLC convention, there was a policy passed, which in fact within our own structure as a labour movement has basically given the right of self-determination to the workers in Quebec and their labour structure. There has been no co-ordinated effort to present similar views across the country or to ignore those views.

Mr. Carr: Some of the recommendations in here—and let me just choose one. Your recommendations on the amending formula are not the same as the recommendations which have come out of Quebec, that is that Quebec ought to have a veto. Can you give us any advice on how we can square that circle?

Ms. Hart-Kulbaba: Well, in fact I cannot. This is an area that we as organizations are struggling with as well, especially our national organizations, who have provincial sections within the province of Quebec, whose membership may in fact leave the national union at some point to become sovereign, independent, whatever the word is. They are working that out within their own organizational structures right now, so really we are a microcosm of what is going on in the country, and I do not have any wonderful solutions for you except that we have taken this step to respect their wishes and give them the right to self-determination.

Mr. Carr: When you say the right to self-determination, do you extend that to the Government and the people of Quebec as they negotiate sovereignty association with the rest of the country?

Ms. Hart-Kulbaba: As a partner in those negotiations, of course, we would expect that our negotiators would negotiate with them on our behalf. We are very aware that their vision is different from our vision of this country and that we would expect our negotiators to protect our interests in those discussions, but certainly there should be discussions.

Mr. Doyle: Just to shed some light, Mr. Carr, on the development of this brief, in order for it to be presented this morning, the basic premise that we used in this was that we put forward the views of Manitoba workers and both the kind of country that we feel is called for to be brought into existence through bodies and panels such as this one. We did not attempt to address the concerns and visions of the other regions of the country, so that is why there seems to be that gap.

Hon. James McCrae (Member for Brandon West): Yes, I am just wanting to pick up from where Mr. Carr left off, I think. We discussed Quebec, and I heard what you said about that. What about a number of the other recommendations you have made? Would you say that generally speaking the recommendations in your brief today would be consistent with the thinking of the labour movement across the country as reflected in resolutions at the CLC? You know, I am not trying to be troublesome, but I am just trying to find out if there is something here that might be glaringly different, and as you know, we have to work in a Canadian context here and try to do what we can for Canada, and also what is good for Manitoba. Are there any glaring problems with your presentation vis-a-vis a presentation we might get from B.C. or Nova Scotia, or something like that, that you can help us with?

Ms. Hart-Kulbaba: There may in fact be some differences. This has been developed by our members here through our convention. It has not been influenced by the CLC conventions. In fact, rarely have the CLC conventions, because of when they fall, had an opportunity to discuss at any great length what they would like to see in constitutional reform.

In terms of the broad aspects of where we are coming from, a decent social charter, the entrenchment of medicare and post-secondary education and those kinds of things, I can say fairly clearly that yes, you would see that reflected across the country. I am sure our discussion about rep by pop would be debatable where the national offices are all in Toronto.

Mr. McCrae: That one is fairly important, I think, from my point of view. This is what I see at least as an option or an alternative to the Triple-E Senate that some people are talking about, this change in the representation in the House of Commons, and that might not be a matter of unanimity across the country amongst the labour movement. I can see why too.

Ms. Hart-Kulbaba: Sure, but in many ways members of those national unions would feel closer to the other unions rather than their own union's position on issues of regional discussion, and that has happened before. No national position is taken without regional debate either.

Ms. Friesen: This is not really a question at this time, but it is a request. One of the innovative aspects of your presentation is the suggestion that the right to fairness in taxation be entrenched in the Constitution, and I wondered if you might, at a later date, be able to provide us with some written material on that or some proposals.

Ms. Hart-Kulbaba: I will sure try and do that for you.

Mr. Chairman: I cannot disobey the rules and the bell has gone, but I am going to make a request as well and that is that you might give us some instruction on the MFL's views on proportional representation for the House of Commons as a mechanism for election and how you might blend this with your proposals for some greater recognition of regionalism. I would also be interested, if you would be good enough to develop a little further, in your views on the role of the central Government.

* (1040)

You make reference to 50-50 in established program funding, but I would be interested in the more general view you might have about how you would see the surviving role of the central Government in the future of Canada. Just drop us a line to the address in the pamphlet, if you will. Thank you very much, President Susan Hart-Kulbaba and the gentleman with you, Manitoba Federation of Labour.

The next presenter is the Manitoba Real Estate Association represented by Mr. Harry DeLeeuw and Ms. Marilyn Billinkoff. Good morning.

Mr. Harry DeLeeuw (Manitoba Real Estate Association): Good morning, thank you very much, Mr. Chairman. As President of the Manitoba Real Estate Association, I represent more than 2,000 real estate professionals in the province, professionals that are concerned about Manitoba and about Canada. There is no doubt that Canada is in a constitutional crisis. The failure of Meech Lake, calls for Senate and constitutional reform and the forceful assertion of aboriginal rights all contribute to concerns about the future of our country. They are all weighty matters, and they are not easily answered or even addressed.

My association's brief deals with one specific issue, the entrenchment of property rights into the Canadian Charter of Rights and Freedoms. This does not mean that the association and its members are not concerned about other constitutional issues. Our members have their own views on the various issues, and the task force may well find them expressing these views as private citizens. However, as a group, members of the real estate industry are concerned that property rights will be swept aside in the crush of constitutional issues.

Consequently, our submission deals with the law's failure to adequately protect property rights and the pressing need for constitutional entrenchment of Canadians' rights to own and enjoy property. In my verbal presentation, I will review the basics of our proposals. Additional detail is available in the written brief we have prepared, and I believe you have copies of it.

The vast majority of Canadians assume that the right to own property and to use it in a reasonable manner is a fundamental right. It is not. In Canada, legislative power can still deprive people of their property. Protection under the law is limited, and can never provide the same protection as rights and freedoms entrenched in the Constitution.

The proclamation of the Canadian Charter of Rights and Freedoms in 1982 introduced new constitutional limits on Parliament and provincial Legislatures. Section 7 of the Charter reads: "Everyone has the right to life, liberty, security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

The omission of property rights from the Charter means there is no constitutional guarantee that private property will not be taken for public use arbitrarily, unfairly or without just compensation. Common law and statutory protection is limited and can never provide the enhanced constitutional protection, with entrenched rights and freedoms, now due by virtue of the Charter.

Why nothing has been done about entrenching property rights in the Constitution is a mystery. A 1988 Gallup poll showed 84 percent of Canadian homeowners and 74 percent of renters support it. In Manitoba, 83 percent of people polled believed it was important to amend the Charter to include property rights.

A discussion of property rights also requires a discussion of what is property. In common law, property is defined as a bundle of rights. This includes right to use, to enter, sell or to give it away. Property may be concrete like land or intangible like a patent. Use of property may be current, for a fixed period, in the future or whatever else people have agreed to.

Some people suggest that sufficient protection for property rights already exists. When Canada's Charter was enacted, predictions were made that property rights would be protected by the existing rights of liberty and security of the person. However, courts have yet to rule that these rights in turn afford property rights protection. Others argue that Canada's protective expropriation laws lessen the need for including property rights in the Charter. However, these laws do not apply to every taking of property. They do not prevent the taking of property or the restriction of property rights under other statutes.

Significant restrictions of use and enjoyment can still occur. For example, in Alberta there is legislation called a restricted development area Act. All that province has to do is register a caveat against land, and the owner can no longer develop it. In one case in Edmonton, for 15 years the province would neither buy a certain piece of land nor allow the owners to develop it. There are many documented cases of similar infringements from across Canada, and we would be pleased to provide these to you.

These examples show that expropriation laws still allow the possibility of a legislation deprivation of property rights. Even the application of the rules of natural justice fall short in terms of property rights protection because protection is only given in specific decisions. The underlying statute permitting arbitrary removal stays in existence. Protection of property rights in the Constitution would get to the route of the problem by making all such legislation invalid.

The right to invalidate legislation on the grounds of property rights infringement has raised concerns about the continuing effectiveness of rent control legislation, zoning laws and heritage protection laws, but in the United States, where property rights are an integral part of the Constitution, these laws have been upheld by the courts. Health and safety restrictions are accepted by American courts, as are rent controls, height restrictions on buildings and land use schemes involving substantial changes to zoning or heritage preservation laws. Entrenchment should therefore not pose a threat to existing Canadian laws that restrict property use for public purpose.

A concern raised by women's groups is that entrenchment could encourage men to challenge legislation requiring them to share property with their spouse when marriages dissolve. Again, the American example shows that challenges to matrimonial property regimes and alimony legislation have not been upheld by the courts.

Entrenchment of property rights in the Charter can mean additional protection for people entitled to all forms of property. While entrenchment will be extremely useful in attacking arbitrary and unreasonable legislation, it will not pose a threat to the vast majority of Canadian laws restricting property use for the public good.

The right to ownership and enjoyment of property, a fundamental right, should be entrenched in the Canadian Charter of Rights and Freedoms by amending Section 7 to read as follows: Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice. There will be uncertainty associated with this type of constitutional change as with all change. Entrenchment of property rights will probably lead to an increase in litigation until the courts decide how they will interpret the new Charter right.

* (1050)

In our view, the costs are more than offset by the value of people's rights to enjoy property, in all its forms, that Charter protection will provide. Any constitutional review should move toward entrenching this basic right into Canada's Charter of Rights and Freedoms. It is long overdue.

I appreciate the patience of the task force and I thank you for this opportunity. If there are any questions, Marilyn Billinkoff and myself would be happy to answer them.

Mr. Chairman: Thank you, Mr. DeLeeuw.

Ms. Friesen: I had thought this was a dead issue, and I notice that even Premier Vander Zalm, who I think has been the last Premier to speak in favour of these kinds of property rights, has not mentioned it in recent months. Do you know why provincial Governments have backed off these kinds of property rights; for example, why Sterling Lyon was opposed to this?

Mr. DeLeeuw: My understanding is that they have not backed off. I understand that the B.C. Legislature and as well the New Brunswick Legislature has this in place, their support for this, as well as Premier Filmon, in 1988 I believe—'87?—has supported the amendment. In the Parliament of Canada in 1988, there was a Private Members' Bill which was passed by the House, so I am not quite sure that it is a dead issue and I hope it is not.

Ms. Friesen: It seems to have been lost in the constitutional discussions of other significance, I think.

Mr. DeLeeuw: I am sure.

Ms. Friesen: One of the problems I would see with entrenching this in a national Constitution is it then gives much larger powers than formerly to a national Government over provincial and municipal jurisdictions. How do you see that being affected?

Mr. DeLeeuw: Well, I think you have to agree with the premise that this is a basic right we have to property and that entrenching it within the Constitution will prevent some of the problems which have occurred across the country relative to provincial legislation, and not only provincial legislation, but municipal legislation.

In the province of Ontario alone, there are 700 pieces of provincial legislation that affect property rights. By entrenching it, we feel strongly that it will not take away the powers of the Legislature. It will just make them prove that what they are demanding of property rights is reasonable and give the private citizen that availability.

I mean, we have documented cases where it has taken 10 and 15 years where people have sat on a piece of property because the Government intends to use this piece of property as a right of way and effectively tied people's hands, and this is not just one case, maybe 700, 800 that we are aware of.

Ms. Friesen: But this is a large shift that you are suggesting in powers to the federal Government in areas where there have not been those kinds of powers before.

Mr. DeLeeuw: Well, I am not sure that there has not been. In 1982—no, prior to that, 1962, Diefenbaker?—Bill of Rights, that provision was in there. It has been taken out, and my understanding is it has been taken out on a political basis because support of one of the national Parties was going to be withheld from the Constitution unless it was taken out.

Ms. Friesen: Prince Edward Island, for example, has some very strong concerns about provincial laws for provincial lands; so does Saskatchewan. Why would Manitobans want to give up the protections for family farms and for local ownership that would be implied in this.

Mr. DeLeeuw: I am not quite sure that they are.

Ms. Friesen: If you are giving two federal courts powers that are not there at the moment, it seems to me that you are limiting the powers of provincial Governments to enact legislation for the preservation of local ownership and local control. Is that not the intent of what you are suggesting?

Ms. Marilyn Billinkoff (Manitoba Real Estate Association): Only to the extent that the provincial legislation would be arbitrary and unfair. Our submission is very clear that provincial legislation or any legislation for the benefit of the public would be overriding, and that has been clear from American decisions in that respect as well.

This would provide a constitutional or a charter guarantee of an individual's right to enjoy property. It may well be that in that kind of an instance the decision would be that the provincial legislation would prevail, but there is also the question of compensation which could address the wrong.

Ms. Friesen: You are saying that provincial legislation could prevail in certain areas.

Ms. Billinkoff: That is right, dependent on the judicial determination.

Ms. Friesen: Ah, so there would be limits of federal jurisdiction then.

Ms. Billinkoff: That is right, the same limits that apply now in Section 7 to the other rights.

Ms. Friesen: You mentioned the importance of the public good, the importance of heritage values, of zoning legislation. You have said that all of these in the practice of the American courts have generally been upheld, and I understood, although you did not say explicitly, that you believed these to be higher goods and that you do not want your amendment and your proposed legislation to limit the public good.

Mr. DeLeeuw: That is exactly our position.

Ms. Friesen: Okay, I am glad to have that on the record. One of the things that is obviously held against this kind of property rights legislation is that the public good is severely limited, and that, for example, we would not have had the Winnipeg Floodway built with this kind of legislation.

Mr. DeLeeuw: I think our purpose is, as Marilyn has stated, that we are not interested in holding back the legislatures, the municipalities or the federal Government as far as property rights, but everything must be fair and reasonable. If you want to take over somebody's property for a floodway, compensate them. Do not make it a situation where they are the losers. There is no reason for that.

Ms. Friesen: Is the issue more then that you are after a forum to debate compensation?

Mr. DeLeeuw: No, I do not think so.

Ms. Friesen: Or is it the principle?

Mr. DeLeeuw: It is the principle and it is the right, so that if you take it in the reverse, it is a protection of that right. If someone, whether it is the federal, provincial or municipal Governments, wants to take it away for some unreasonable length of time, some unreasonable situation, they really cannot do that if it is enacted.

Ms. Friesen: Unreasonable as defined by the federal courts?

Mr. DeLeeuw: Yes.

Ms. Friesen: You are also, as you acknowledged, initiating a period of uncertainty and a period of litigation; in fact, presumably enhancing the increasing litigious nature of Canadian society. Where is the groundswell of popular thrust for this type of legislation that would essentially justify you in initiating a decade—is that what you said or am I interpreting there?

Mr. DeLeeuw: No, we did not say that.

Ms. Friesen: A number of years of uncertainty and of litigation and presumably a great field day for a number of lawyers.

Mr. DeLeeuw: Well, I think this is the case when civil liberties were enacted, there is a lot of litigation, human rights. I think it is worth the price. We think it is worth the price.

Ms. Friesen: The ground swell of public opinion in favour of this is the poll that you had done that surveyed renters and homeowners?

Mr. DeLeeuw: Across Canada and in Manitoba?

Ms. Friesen: Yes. The Manitoba one, you said, was 83 percent, I think, of people surveyed.

Mr. DeLeeuw: Yes.

Ms. Friesen: Now who was surveyed and how and when?

Mr. DeLeeuw: It is a Gallup poll. I can find those answers for you. I do not have them at my finger tips.

Ms. Friesen: So 83 percent of people surveyed could be 83 percent of homeowners, for example?

Mr. DeLeeuw: I do not know; I cannot answer that.

Ms. Billinkoff: I believe that both homeowners and renters were surveyed.

* (1100)

Ms. Friesen: It would be useful to see that poll since it is the only one you are quoting. Is there any other evidence of public opinion in favour of instigating this period of instability?

Mr. DeLeeuw: Well, I can only point to Parliament and the fact that it was passed in Parliament.

Ms. Billinkoff: Perhaps just a comment on the question of litigation. We are not suggesting that there is going to be a huge ground swell of litigation, but I think it is naive to expect that there will not be some. When the Charter was enacted, when the Constitution was enacted, it is inevitable that there are going to be questions, and there will be some questions about property rights entrenchment.

Ms. Friesen: I agree. I appreciate that was a very honest part of your position, and it is an important one, I think, for all Canadians. I also appreciate the fact that you put on the record that the public good, that heritage values and zoning rights of municipalities and Legislatures are the prior, the higher right.

Mr. Chairman: Thank you very much, Ms. Billinkoff, Mr. DeLeeuw. The next organization presenting is Réseau represented by Ms. Lorraine Frédette.

Ms. Lorraine Frédette (Réseau): Bonjour. Je vais vous parler en français.

(Translation)

Good morning. I will be speaking to you in French.

Mr. Chairman: Bonjour, Mademoiselle. Oui, c'est acceptable.

(Translation)

Good morning. Yes, that is acceptable.

Ms. Frédette: Je vous remercie pour la chance de vous parler aujourd'hui au nom du groupe de Réseau.

Réseau, ce groupe de Franco-Manitobaines, a pour mission de conscientiser le gouvernement et le public aux questions féminines et de faire les démarches nécessaires en vue d'améliorer les conditions de vie des Franco-Manitobaines.

Les femmes ont mis beaucoup d'efforts et d'espoirs dans la nouvelle Constitution canadienne et comptent beaucoup sur les garanties d'égalité de la Charte canadienne des droits et libertés. Toutefois, nous sommes inquiètes que des amendements, tels que ceux qui avaient été présentés dans l'accord du Lac Meech et qui passaient les femmes sous silence tout en donnant des droits à des groupes particuliers, pourraient diluer la force et l'intention des droits d'égalité pour les femmes. Nous sommes aussi inquiètes que la clause "nonobstant" permettrait aux provinces d'enlever les droits linguistiques à la minorité francophone.

Les obstacles qui barrent l'accès des femmes à la justice doivent tomber, et les interprétations d'égalité qui avantagent les femmes doivent être citées plus souvent devant les tribunaux.

Il devrait donc y avoir plus de nominations de femmes magistrats et juges. Il faudrait aussi un programme de sensibilisation à la condition féminine pour les avocats et les juges ainsi que pour les avocats en formation.

Cependant, les femmes ne défendent pas leur égalité que devant les tribunaux. Nous pressons sans relâche les gouvernements d'améliorer les lois et les programmes gouvernementaux destinés aux femmes. Il nous faut l'appui entier des gouvernements et des tribunaux pour prendre la place qui nous revient dans la société canadienne et nous devons nous adresser aux deux secteurs pour réaliser ses changements.

Il est important d'avoir accès aux tribunaux et d'obtenir des interprétations susceptibles d'avoir des répercussions positives sur la vie des femmes au

Canada. Pour avoir une quelconque signification, les garanties de la Charte doivent être accessibles aux femmes et aux autres groupes défavorisés; elles ne peuvent être l'apanage des riches. En outre, les gouvernements doivent défendre les intérêts des femmes devant les tribunaux. Les tribunaux doivent, quant à eux, être disposés à écouter les femmes, à apprendre d'elles et à appliquer pleinement la loi.

Il n'en reste pas moins qu'un bon nombre de femmes, qui forment la majorité de la population canadienne, sont gravement opprimées. Leur corps, leur sexualité, leur foyer et leur milieu de travail échappent à leur contrôle. Elles sont dévalorisées comme être humains, exploitées comme travailleuses, sans pouvoirs au sein des institutions qui les gouvernent.

Les femmes sont également les grandes victimes de la violence sociale. Enfants, elles subissent des violences sexuelles; adultes, on les bat, on les viole et on les harcèle. Elles se taisent parce qu'elles dépendent économiquement des hommes qui abusent d'elles et qu'un procès signifie des humiliations plus grandes encore. Les femmes sont mal protégées contre la violence et mal aidées quand elles en sont victimes. C'est cette violence qui se manifeste dans l'industrie florissante de la pornographie. La violence est à la fois tournée en ridicule par les tribunaux et exploitée par les médias; ainsi les femmes en supportent à la fois le blâme et le mépris.

Les femmes sont sous-représentées aux assemblées législatives, à la Chambre des communs, au Sénat, dans les conseils municipaux et les commissions scolaires, dans l'appareil judiciaire, dans les hautes sphères de la fonction publique, aux conseils d'administration, parmi les recteurs et professeurs d'université, et aux comités consultatifs. Résultat: la politique, les affaires et la recherche ne traduisent pas les valeurs et les exigences des femmes. Et bien que les femmes représentent plus de la moitié de la population, la société leur réserve un rôle marginal en les excluant des centres de décisions.

Nous reconnaissons fort bien qu'une future entente constitutionnelle sera définie en tenant compte de plusiers facteurs, tels l'économie, la culture, la représentativité internationale, le partage des pouvoirs, etc., mais nous voulons miser sur deux particularités: l'engagement constitutionnel face aux droits des deux groupes linguistiques officiels et aux droits des femmes.

La femme francophone, elle, est deux fois minoritaire. D'aprés un concept élaboré par Danielle Juteau-Lee (1983:39) et Roger Bernard (1988) la femme francophone serait vu comme responsable de la construction de la communauté ethnique, de l'indentité ethnique, du sentiment d'appartenance à la communauté et de la reproduction culturelle. Si nous acceptons ce concept, il faudra rendre en évidence que la femme francophone hors Quebec d'aujourd'hui a besoin d'outils pour continuer ce travail. On doit aider la femme avec des enfants en lui procurant des garderies francophones. Elle assume souvent seule la charge des enfants et souffre de pauvreté. Elle a besoin d'accès à des services en français pour l'aider à survivre.

Nous avons pris connaissance du mémoire de la Société franco-manitobaine qui sera présenté demain et nous l'appuyons.

C'est pour obtenir des lois qui rompraient avec le passé, qui s'attaqueraient de front aux inégalités, qui modifieraient la condition féminine, que les femmes veulent des garanties constitutionnelles d'égalité. Merci.

(Translation)

I thank you for giving me the opportunity to speak to you today on behalf of Réseau.

Réseau is a group of Franco-Manitoban women. Its mission is to make the Government and the public more aware of feminine issues and to take necessary measures to improve the conditions of life for Franco-Manitoban women.

Women have put much effort and hope in the new Canadian Constitution and rely heavily on the guarantees of equality of the Canadian Charter of Rights and Freedoms. However, we are concerned that amendments, such as the ones that were presented in the Meech Lake Accord that were silent on women's issues while giving rights to special groups, could weaken the strength and purpose of equality rights for women. We are also concerned that the "notwithstanding" clause would allow the provinces to remove language rights from the Francophone minority.

The obstacles that block women's access to justice must be removed, and the interpretations of equality that favour women must be cited more often in the courts.

There should, therefore, be more appointments of women as magistrates and judges. There should also be an awareness program on the situation of women

for lawyers and judges as well as for lawyers in training.

However, women are not only defending their equality in the courts. We are constantly urging Governments to improve laws and Government programs aimed at women. We need the full support of Governments and the courts to secure the place that is our right in Canadian society. To accomplish these changes, we must address both of these sectors.

It is important to have access to the courts and to obtain interpretations that are going to have positive repercussions on the life of women in Canada. To have any significance, the guarantees of the Charter must be accessible to women and to the other disadvantaged groups; they cannot be the privilege of the rich. Moreover, Governments must defend the interests of women before the courts. As for the courts, they must be disposed to listen to women, to learn from women and to fully apply the law.

Nonetheless, a good number of women, who make up the majority of the Canadian population, are seriously oppressed. Their body, their sexuality, their home and their workplace are not within their control. They are depreciated as human beings, exploited as workers, powerless within the institutions that govern them.

Women are also the greatest victims of social violence. As children, they suffer sexual violence; as adults, they are beaten, they are violated and they are harassed. They remain silent because they depend economically on the men that abuse them and a lawsuit means even greater humiliations. Women are poorly protected from violence and are poorly helped when they are victims of it. It is this violence that is apparent in the flourishing industry of pornography. Violence is ridiculed by the courts and at the same time exploited by the media; thus, women suffer both blame and contempt.

Women are under represented in Legislative Assemblies, in the House of Commons, in the Senate, in municipal councils and school boards, in the judicial apparatus, in the upper spheres of the civil service, on boards of directors, among university directors and professors and on advisory committees. The result: the domains of politics, business and research do not reflect the values and requirements of women. Although women represent over half the population, society has reserved a marginal role for them by excluding them from significant decision making.

We are well aware of the fact that a future constitutional agreement will be defined by taking many factors into account, such as the economy, culture, international representativeness, the division of powers, et cetera, but we are also counting on two features: the constitutional obligation toward the two official language groups and women's rights.

Francophone women are twice a minority. According to a concept elaborated by Danielle Juteau-Lee (1983:39) and Roger Bernard (1988), Francophone women can be thought of as responsible for building the ethnic community, the ethnic identity, the feeling of belonging to the community and cultural reproduction. If we accept this concept, it must be made clear that Francophone women outside of Quebec need to have tools to continue this work. Women with children must be helped by providing them with Francophone day cares. They assume, often alone, the responsibility of the children and suffer from poverty. They need access to services in French to help them survive.

We have read the presentation of the Société franco-manitobaine that will be presented tomorrow, and we support it.

Women want constitutional guarantees of equality so that laws can be obtained to break with the past, to tackle inequality head-on and to change the situation of women. Thank you.

Mr. Chairman: Merci beaucoup. Avez-vous des questions?

(Translation)

Thank you very much. Have you any questions?

Ms. Friesen: Ce qui m'intéresse c'est la question à la page 1 où vous dites que vous auriez plus de nominations pour les femmes magistrats et juges. Y a-t-il des propos que vous pouvez nous donner pour des changements dans la Constitution fédérale pour ce projet?

(Translation)

What interests me is the point on page one where you say that you would have more appointments for female magistrates and judges. Do you have any comments for us concerning this project for changes in the federal Constitution?

Ms. Frédette: Pas nécessairement des spécifications, mais de tenir en compte de l'égalité de la femme, que la femme a autant droit d'être nommée, puis d'être conscient d'aller chercher—souvent des femmes sont moins connues. La qualité est quand

même là, mais c'est faire peut-être l'effort d'aller les chercher. Ce n'est pas juste pour acquis.

(Translation)

Not exactly specifics, but to take into account the equality of women, that women have just as much right to be appointed, and to consciously seek out — women are often less well-known. The quality is there, but it is perhaps just making the effort to go out and find them. This must not simply be taken for granted.

Ms. Friesen: Est ce qu'il est nécessaire, à votre avis, de changer les méthodes dont on choisit les juges? Chercher les avis des autres, par exemple.

(Translation)

In your opinion, do we need to change the methods used to select judges? Get other opinions, for example.

Ms. Frédette: C'est ça. On peut demander à des groupes de femmes qui, ici, peuvent suggèrer des gens aussi. Je m'imagine que les groupes judiciares comme tels ont quand même des listes de gens—c'est de cette façon là que ça se fait dans le moment. J'ai peut-être plus de problème quand il y a des élections pour des gens, parce que le processus de candidature dévient plus difficile pour les femmes à cause du manque d'argent, de "network" économique par en arrière. C'est plus difficile pour eux de trouver les argents pour se présenter, par exemple.

(Translation)

That is correct. One could ask women's groups through which suggestions can be made on this as well. I imagine that judicial groups as such do have lists of people. This is the way that it is done at the moment. I have perhaps more of a problem at their electiono time because becoming a candidate is more difficult for women due to a lack of funding and of an economic network supporting them. Indeed, it is harder for women to find the money to stand for election.

Ms. Friesen: Oui. Oui, je comprends. Les autres problèmes que vous avez adressés, c'est surtout, je crois, les questions de la pauvreté de la femme. Y a-t-il des suggestions, des propos que vous avez pour les programmes au Canada qui doivent être supportés par le gouvernement fédéral qui s'adresserait à ces problèmes?

(Translation)

Yes. I understand. The other problems that you addressed were mainly, I think, questions concerning the poverty of women. Do you have any suggestions or comments on the federally supported programs in Canada that would address these problems?

Ms. Frédette: On n'a pas regardé ça dans le moment. On pourra peut-être étudier cette possibilité puis vous envoyer quelque chose à ce sujet, mais on n'a pas de suggestion en ce moment.

(Translation)

We have not looked into that yet. We could perhaps study the possibility and then forward you something on that, but we have no suggestions at the moment.

* (1110)

Ms. Friesen: Si vous avez quelque chose en écrivant après, ça serait bienvenue je crois. Il y a une autre question à la page 4. Vous avez dit que votre groupe supportait le mémoire de la Société franco-manitobaine. Nous n'avons pas encore entendu la Société franco-manitobaine. Y a-t-il des pages ou des propos que vous supportez surtout?

(Translation)

If you had something in writing after, I believe it would be most welcome. There is another matter on on page 4. You said that your group supports the presentation of the Societe franco-manitobaine that we have not heard yet. Are there any pages or remarks that you especially support?

Ms. Frédette: C'est le thème en générale; que nous supportons les droits linguistiques et culturels des Franco-Manitobains, des francophones hors Québec en général. Alors, vous allez être expliquer le texte demain, et je veux juste que vous soyez conscients que comme franco-manitobains qu'on les appuient.

(Translation)

It is the theme in general; we support the linguistic and cultural rights of Franco-Manitobans, Francophones outside of Quebec in general. The text will be explained to you tomorrow. I just wanted you to be aware of the fact that as Franco-Manitobans we support them.

Mr. Chairman: Merci, Madame Frédette. Question de M. Carr.

(Translation)

Thank you, Ms. Frédette. Mr. Carr, a question?

Mr. Carr: May I try in English?

Ms. Frédette: Oui.

Mr. Carr: I would like to ask for your advice on an issue that is related but not directly apropos of your presentation as a Franco-Manitobaine. What is the view of your association, or if you would be more comfortable, your own view personally, of the broader constitutional problem that we face as a French-speaking Manitoban, as we approach a critical moment in our country's history? Could you just share with us your emotions and your thoughts as we enter the phase, and if you have any advice to the Government of Manitoba, and how it ought to be seeking protection for its linguistic minority as the broader issues unfold?

Ms. Frédette: Personellement, je suis inquiète de ce qui se passe dans le moment avec le Québec qui veut devenir souverain. Je suis consciente de leurs droits et leurs intentions et les raisons pour lesquelles ils veulent faire cette décision. Je suis aussi consciente que, ils ont laissé à nous 18 mois au fédéral de négocier avec eux. J'espère que le fédéral va faire tout son possible pour garder le Québec au sein du Canada.

Comme province manitobaine, je pense qu'on peut agir comme catalyse dans la situation. On a une représentativité ici de francophones qui sont très forts, qui peuvent vous donner des conseils et puis peut-être que vous pouvez agir comme catalyse entre les deux pour faire des suggestions comme telles et ça serait la Société qui vous présenterait peut-être ces idées là plus clairement.

Personellement, je suis inquiète. Oui. Je vois la culture qu'on a maintenant qui est vivante mais qui est beaucoup subventionnée par le fédéral qui possiblement, si ça devient un Canada qui ne sera plus bilingue—qu'est-ce qu'il arrive à nos organismes, qu'est-ce qu'il arrive a notre culture, est-ce qu'on devient une culture folklorique comme bien d'autres?

On va continuer à lutter, on va essayer de demurerer aussi fort qu'on est, mais le pouvoir économique en arrière de tout ça? C'est très difficile. On entend le Québec qui dit, bien on va prendre la relève, mais je ne sais pas eux autres , si ils ont tous les fonds pour faire ça. Alors, c'est une autre inquiétude. Ca, ça peut prendre du temps. Qu'est-ce qu'il arrive entre les deux?

(Translation)

Personally, I am concerned about what is happening right now with Quebec that wants to become sovereign. I am aware of their rights and their intentions and the reasons why they want to make this decision. I am also aware that they have given the federal government 18 months to negotiate with them. I hope the federal Government will do its best to keep Quebec within Canada.

As the Province of Manitoba, I think that we can act as a catalyst in the situation. We have a strong community of Francophones here that can perhaps give you some advice. Maybe you can act as a catalyst between the two to make such suggestions. The Société will probably present these ideas more clearly.

Personally, I am concerned. Yes. I see the culture that we have now is one that is alive but heavily subsidized by the federal Government who possibly, if Canada becomes a country that is no longer bilingual—what will happen to our institutions, what will happen to our culture? Do we become a culture of the past as many others have?

We will continue to struggle, we will try and stay as strong as we are, but the economic power behind all of that? It is very difficult. We hear Quebec say, okay, we will take over, but I do not know whether they have the means to do it. So that is another worry. That could take time. What happens in the meantime?

Mr. Carr: So are you fearful then that a movement towards some kind of sovereignty association, even if the recommendations of the Allaire committee were to be adopted, would be a threat to the group of Franco-Manitobans as they seek to maintain and enrich their presence in the mosaic of Manitoba?

Ms. Frédette: Je ne pense pas que je dirais comme un "threat" aussi fort que ça. C'est quelque chose qu'il va falloir regarder et voir comment qu'on peut continuer dans un domaine qui ne sera pas la même. Mais, pour moi, quand qu'on dit un "threat", si c'est comme dire que vous ne pourriez pas survivre, je ne crois pas ça. On peut survivre.

(Translation)

I do not think that I would go as far as to say a threat. It is something that will have to be looked at to see how we can continue in a different sphere. But, for me, when one says threat, it is like saying that you cannot survive, I do not believe that. We can survive.

Mr. Chairman: The next presenter, Mrs. Mary Paley. Good morning, Mrs. Paley. You were kind enough to come back this morning after we were rather late last evening. Thank you.

Mrs. Mary Paley (Private Citizen): I find it very interesting. I am just here as a private citizen. I am not much into politics, but I like Canada. I was born a Canadian, and I love Canada.

When we sing "O Canada!" we sing, our True North strong and free. That is what we want Canada to be. Strong and free. We want Canada to be governed by one central, federal Government that listens to all segments and corners of Canada, and not just Quebec because it wants to be supreme.

There should be a sense of equality and human rights to all ethnic groups that constitute Canada. There is no sense in giving things to provinces that should be in federal jurisdiction, so they would be forced to squabble about their rights. This is a recipe to break up Canada. We want one central Government that is fair to all and keep Canada strong.

Where do they find the law that says all Prime Ministers have to be from Quebec or Ontario? The others, they will boot them out. Diefenbaker was a good Prime Minister, you all know what happened and with whose help. Turner was not even given a chance because he dared go for a constituency in British Columbia. Is that fair?

I am for the Triple-E Senate. Somebody said four senators. Somebody else said two senators. They should serve for their pay and not get $150 extra to attend. If there is a need to go to different parts of Canada, then their expenses should be covered. If their health or age does not allow attendance, then they should resign.

We want the central Government to protect our environment, the air we breathe, the water we drink, the food we eat, not only with laws that are looked at through a screen and ignored, but protected with authority—not saying this is a large company, let us pretend the problem does not exist. If we had strict laws and good Governments to administer them, we would have fewer sick people and a saving on medicare. If you phone in and complain, you are passed by a few secretaries, and then the one in charge is not available. Where is he?

When Trudeau was Prime Minister, he stripped Manitoba of the Canadian National headquarters, Air Canada headquarters, Air Canada maintenance depot. Want to guess where he took it? To Quebec, of course, to his province. When Mulroney came to power, another Quebecer, he went along the same line, CF-18 maintenance, research buildings stood empty because Quebec wanted it. What did Manitoba get in return? A huge translation cost because Quebec said so. Who reads those documents? But Quebec is separating.

We hear now Mulroney is giving away Canadian archives, the property of federal Government, to Quebec at a time when Quebec threatens separation. Is there any common sense to that? They have managed it so beautifully. There is a 74 percent overrun on the building, ready and waiting for our tax dollars. Do you have to be a politician to qualify for this stupidity, or is it just the Mulroney cliche?

In 1850 British and Canadian Governments were preparing to attract immigrants to western Canada. They surveyed western Canada, marking it off in miles. That is our tradition. Our country is crisscrossed with roads on a mileage basis. Trudeau destroyed that. Why? Is kilometre French? Whatever it is, it gets lost on the first mile. Of what use is it?

When Trudeau was in power, he made laws with his buddies, including Chretien, to change everything to French. Our RCMP is a western force. The eastern provinces have separate provincial police. Now all RCMP had to speak French or be fired. How many Westerners were forced to leave? Where are the human rights of the rest of us who also have a few other languages? The two solitudes fight for supremacy and the rest of us suffer. Why can the western young people not enter the force? Why can the Natives not become RCMP officers, but only security guards?

According to statistics given to us, RCMP are 70 percent Easterners and Quebecers with no knowledge of the West. Some of them are very good officers; some come with a chip on their shoulder like the apartheid in South Africa.

We hear of cases where they flaunt their own rules and regulations to make seizures in attempted arrests that are completely false. Is this the result of Quebec common law that has sneaked into our Constitution? We were told we are innocent until proven guilty in a court of law, not vice versa. By seeing this, we can just imagine how they act amongst the Natives. No wonder so many of them are in jail.

We, as Westerners, all speak English. We do not discriminate against the French. Look how many patrons their festival brings in winter. Where I grew up, our community lived side by side with the French community as friends and neighbours. We got along fine—in fact, better than with the English community on the other side.

Manitoba has a lot of different languages and cultures. Let the Easterners visit Folklorama and find out. We respect one another. Over all, we realize we are an English country and our outside language is English. At home, we speak as we please.

You do not save your language and culture by waving it on your sleeve. You save it by keeping it in your heart. I can give you lots of instances of the onslaught our Ukrainian language and culture suffered. I, myself, was denied further education because the Minister said, you Ukrainians. We kept our culture in our hearts, and it is flourishing nicely.

Now tell me, does anybody in Manitoba attack French in such a way? Just because France lost its colonies and de Gaulle came to Canada to say, long live Quebec, does Quebec have to separate; de Gaulle knew quite well what he was doing. He aimed to cause trouble. Quebecers are Canadians just as much as we are.

* (1120)

Our Native languages should have a place in our society, too. They were the first people here before the French. Why do we not have Native culture on our national TV? Let us get to know them.

How can you take a burial ground and trample over it because somebody wants to play golf. Is Quebec not sensitive to that? Would Quebecers like their graves to be trampled for a foolish reason like that? The last we heard on Oka was, oops, Ottawa bought a marsh to resettle Indians and gave the disputed land to a developer.

Britain was making treaties with the Indians, and Canada, on Confederation, was obliged to uphold them. Canada was Upper and Lower Canada, and to the north was Rupert's Land, which was still British until 1912. Quebec has not the same claim on Rupert's Land and should leave it out in separating. It should also give back to Manitoba what they confiscated with no reasoning, just greed. They pretend they do not know what the West wants.

Going back to the time when Trudeau was Prime Minister, word went out that he signed something with the States that Canadian education will never be the same. We had no idea what it was.

When my son went to school, they did not teach Canadian history or geography. There were only two remote points in Canada where they took off to Africa. Then it was Africa and some more Africa until the media made a joke about it. Then it changed a little.

Lately, I came against another blemish on Canadian education. A friend of mine was making an application to attend university in Winnipeg. You have to write an exam to be admitted. To my great surprise, her application did not get processed in Winnipeg, not even in a larger university in Canada but in an American university in Philadelphia. To attend school in Winnipeg, she had to be told by Philadelphia to go and write her exam in Toronto. A student, who has borrowed money for her course, to buy an airplane ticket to Toronto for a half-day exam, I think it is downright unfair and ridiculous. Is that what politics is? You do not have to care what damage you have done?

Now where are our educators, our professors, our teachers, university staff and others? Why are they not employed in this? Our young people educated to handle these jobs have to leave their homeland. They have to leave Canada to seek jobs in the States, because Trudeau signed it away to the States. How much does Philadelphia get for all this? Must be a nice hefty sum. Are we ever told how much Ottawa sliced payments for education? Does any other country give its education control away to a foreign country the way Ottawa has done?

Our printers are closing shop, because all our schoolbooks come from American printers, American style. Come on people, wake up. We have enough American culture and American TV shows—how to attack women, how to fight and kill. Now, in Canada, we have an order to cancel TV stations—less stations, less Canadian news for people. They want to cancel parliamentary Question Period on TV. Why should people know what Mulroney and Wilson are up to? We hear it will cost more to close the stations than to run them. Is that what politics is all about, that you do not have to know what you are doing?

Another thing that came to light was a family transferred to Quebec from Manitoba and were immediately considered immigrants—immigrants in your own country. Quebec plans a referendum to leave Canada. I think Canada has the same right to run a referendum on whether Quebec has a right to separate, has a right to break up Canada. I am sure the answer would be no.

What did Mulroney sign off to the drug companies, permitting them to gouge Canadians on medications? Our prices are going up and up everytime you buy them. Those who travel to the States, just across the border, buy them at half price. Is this free trade, or what?

Canada is a peacekeeping nation. Canada is also in bad debt. Why are we at war? Because Bush said so. Bush is partially paid off by the Saudis. Does Canada get a penny at least? You all listen to the war news, as I do. It is coming out our ears. This little item I remember was, why did Bush not agree to an Arab summit conference on the Arab problem? Because Bush had to sit at the same conference table as Hussein, and that would have made them equal. This came over the American TV. Is that why Bush attacked Panama? The news also told us that there was a new Panama Canal treaty coming up. News also told us that Bush and Noriega were buddies in the American CIA. Bush, as CIA, worked with Hussein. Why should we be at war when we are in debt? Why should our planes and troops kill innocent civilians?

Stand up Canadians. Let us not imitate the States. Let us sit down to an open conference, not rigged like the Meech Lake. A country is not built by rolling the dice. Let every region and corner of Canada have a say about what is wrong in their region and how to fix it. Let us not have this supremacy supreme. This is in the bygone days. We are all Canadians now and not serving any distant country. Let us mark out our own strategy of peace and good will. Let us spread Manitoba's Folklorama to all parts of Canada. It is a worthwhile project that helps us know our neighbours. Let us form a strong central Government that is not subservient to outsiders, but consults its citizens in referendums.

O Canada! Our True North strong and free, let us stand on guard for it.

We also hear some more news out of Quebec that it is separating. Well, I am not anywhere close to a lawyer, but I will ask you, has Mulroney, a Quebecer, a legal right to supervise this separation and leave Canada with a foreign Prime Minister or none at all? We need an immediate election before the bargaining begins. Who is to see Mulroney resign—citizens, courts, who?

Chretien is not in a better position. He is a Quebecer who foresaw a separation and went to New Brunswick for a seat, a suitcase MP. Do not think I say this with malice of some sort, but what is Canada left with? A referendum on a few such things is a necessity. Would it be provincial? We cannot expect Mulroney to do it.

Mr. Chairman: Thank you, Mrs. Paley. Are there any questions? Thank you again.

We are going to take a short break now, ladies and gentlemen. When we come back our first presenter will be Mr. John Feldsted.

* * *

The hearing took recess at 11:29 a.m.

After Recess

The hearing resumed at 11:46 a.m.

Mr. Chairman: Ladies and gentlemen, we are resuming our morning session now. Welcome back, including our viewers on Videon and Cablevision, Channel 7. We are very glad to have you with us.

Our presenter now who has taken his place and is ready to speak to us is Mr. John Feldsted. Good morning.

Mr. John Feldsted (Private Citizen): Good morning. Thank you and good morning, Mr. Chairman, ladies and gentlemen.

I appeared before the Manitoba Task Force on the Meech Lake Accord. I found the Meech Lake exercise distasteful and negative because it required that I act to stop unacceptable proposed changes to our Constitution. I am thankful for the opportunity to appear here in a positive role and participate in another attempted constitutional reform. I am convinced that through sound constitutional reform, Canada can regain her place as a nation to be envied throughout the world.

I further believe that constitutional reform holds the key to shaking off the lassitude that grips Canadians and can give us ideals that will make patriotism, national pride and unity part of the Canadian vocabulary again.

Our Constitution is in crisis. It is difficult these days not to be thoroughly ashamed of the people we have elected to political office. We hear no voice from the federal or provincial Governments supporting the concept of a strong, united nation, able to care for its citizens and responsible in its international role.

No political voice is raised to shout the virtues and values of our strengths, our capacity to endure, our commitment to one another and to our country. Instead, through the past two decades, we have been subjected to blatant greed for power, self-indulgent wallowing in the differences between peoples and the systematic dismantling of our national institutions and symbols.

Symbolism is the underpinning of a thriving nation. Remember the eloquent fervour that gripped Canada during the flag debates in the 1960s? Our flag, the most known and revered symbol representing Canada, was derided and ridiculed in speech and cartoon until it was accepted by Parliament and then adopted by Royal Proclamation February 15, 1965.

Now we find ourselves straining our eyes, looking for the familiar red maple leaf whenever we watch an international event on TV. We lost forever the Royal Canadian Air Force, the Royal Canadian Navy and the Royal Mail, to name a few. The Royal Canadian Mounted Police, the Canadian National Railway, the Canadian Broadcasting Corporation and other national institutions and symbols are under continuing attack.

We have lost the Canadian tradition of helping our neighbours, of standing together to face disaster, of maintaining our dignity, values and sense of duty. We have isolated ourselves from our neighbours, and in so doing have isolated ourselves from the fundamentals that made being a Canadian something unique, something valuable and something to be proud of.

Historic Background. When the Dominion of Canada was first formed, the British province of Canada consisted of two sections, Upper and Lower Canada, with a single Government. Quebec and Ontario with a single Government seems incomprehensible today. These giants amongst the provinces have become so enamored with themselves and their powers that they cannot even agree on the time of day.

Ontario has long adopted the attitude that what is good for Ontario is good for Canada. She never misses the opportunity to make her economic and political powers known to less wealthy provinces.

• (1150)

Quebec revels in cultural and linguistic differences, and has mastered political terrorism in demanding special rights and support to allow her to maintain those attributes she takes such pride in but cannot afford.

Initially, the Maritime provinces of New Brunswick and Nova Scotia planned to join together for mutual benefit. Canada, as the remaining British province, asked permission to join in. The result was an agreement to form a federal Government to oversee matters of mutual benefit but beyond the resources of the individual provinces, while the provinces retained control over matters which they could manage.

The United Kingdom Parliament passed the British North America Act in 1867 officially creating the Dominion of Canada and transferring powers from the British Parliament to a new Canadian federal Government. This legal document also set out the divisions of power between the federal Parliament and provincial Legislatures.

Provincial Powers Grow. Following the end of the Second World War, Canada's population grew at an astonishing rate from a war-end total of about 14 million to 18 million in 1961 and 24 million by 1981. Provincial budgets soared to levels that had been federal budgets scant years earlier. Our provincial Governments felt a heady surge of economic and political power unknown to their predecessors.

Our federal Government in Ottawa was not prepared to deal with the powers that the provinces could exert and over time lost the authority it needed to maintain strong central leadership. The practical business of garnering votes to remain in power forced federal political Parties to try to appease the voters of provinces without regard for the adverse effects on the citizens of Canada.

Provinces Need to Grow Up. Canada's provinces have grown, but like adolescents want to escape the responsibility and at the same time wish to exercise their new-found rights and powers. They have grown but are far from grown-up.

The single common denominator amongst Canadian provinces in 1991 is the crushing debt that each province has assumed. Each province wants to escape its responsibility to its citizens and to its neighbouring provinces. Each province wants aid from the federal Treasury to lighten its load, but is not willing to shoulder a share of the national burdens and responsibilities.

Canada, our Canada, has grown from a collection of dutiful sons into a ragtag collection of me-first spoiled brats demanding attention without regard for cost or consequence. It is shameful that our provinces do not have the decency to avoid quarreling over the spoils before Canada is dead.

Federal Government Failure. Our federal Government has failed abjectly to live up to our expectations of sound judgment, common sense and the ability to place the welfare and interests of the majority of our citizens before all else. Our federal Governments have lived off an undeserved reputation for a high standard of living, often achieved by our citizens in spite of Government efforts to undermine their free spirits and unflagging enterprise.

Like any parent seeking support through promises, bribes and chicanery, the federal Government is reaping the rewards of an over-indulgent parent that can no longer influence or control children who have become an embarrassment.

The federal political system is beyond repair. Any change in behaviour must be preceded by an honest and earnest desire to adopt new attitudes, and our federal political Parties lack the commitment and courage to change. The fundamental changes required must come from the people of Canada. Politicians cannot benefit from a change to our political structures and will resist any new initiatives.

Constitutional Excellence. Our Constitution must be a living document reflecting the morals, values and humanity of Canadians, and changing as these tenets change. Our Constitution must be a guiding light to our politicians when they face moral and ethical difficulties in their deliberations. Our Constitution must clearly spell out the priorities, personality and beliefs of Canada as expressed by its people.

The Canada Act of 1982 effectively transferred power over an amended British North America Act to Canada, and the Constitution Act of 1982 amended this legal document again by including the Charter of Rights and Freedoms. The Constitution that evolved is a legal document which sets out the power of Government and is considered the property of politicians. Each of our 11 Governments feels duty bound to interpret the Constitution in the most favourable fashion to itself, without regard or respect for the rights and welfare of the citizens of Canada.

Charter an Imperfect Document. The Charter of Rights and Freedoms is an imperfect section within an imperfect Constitution, but it is the closest we have come to an expression of the will of Canada's people.

The Canadian Constitution must be a document which sets out the way in which we will treat each other and in turn be treated. Expansion of the Charter of Rights to take into account the fundamental respect and rights to be afforded to all Canadians must form the nucleus of a new Constitution. If we cannot agree on the basic rights and freedoms that we will enjoy, the remainder of the Constitution becomes a valueless parody of what we might be.

When a Charter of Rights is fleshed out and agreed on, we can take the next step and decide on the representation and Government that will ensure that our Constitution is strictly adhered to. If the Charter of Rights spells out a right to health care, then the responsibility for health care rests with the federal Government. If the Charter of Rights declares that all citizens are equal before the law, then the judiciary becomes a federal responsibility.

The right to drive a car and to build a highway to run it on would not be covered by the Charter and would thus be provincial responsibilities.

When Charter rights are defined as a federal responsibility, we can consider other areas which should be under federal control for economy and practicality. National security, foreign affairs, monetary policy and the justice system are examples of responsibilities which would clearly fall in the federal arena.

Once the divisions of power are completed, our Constitution must deal with the penalties that politicians and political Parties will suffer if they fail to carry out the duties spelled out under the Constitution or fail to adhere to the principles set out therein.

Our Constitution must deal with the authorities to raise funds to carry out responsibilities set out in the Constitution, not only the right to tax, but the type of tax and the limits of taxation must be clearly set out.

Our Constitution must also spell out that changes to this document can only be made by a process of public referendum. Politicians cannot be allowed to participate in the constitutional process, as the Constitution will be the document that sets out the duties and responsibilities of politicians.

Finally, the Constitution must clearly spell out the authorities of the various levels of Government to borrow money. There must be maximum limits set beyond which borrowings must be approved through public referendum. We must not allow our politicians to continue to buy our votes with debts that our grandchildren will not be able to retire.

The Will of Canadians. A most important consideration is that our Canadian Constitution must be written in the most simple language possible, using ordinary interpretation of words. The language must be that understood by the majority of Canadians if the Constitution is to have relevance to those it serves, and to ensure that it can be taught to our children in school as the framework of their Canada.

The Constitution must be written by Canadians who are not elected to any office save that of serving on a constitutional task force. Contentious sections of the

Constitution and many moral and ethical questions will have to be settled through a process of public referendum.

We must never lose sight of the principles that the will of the people and majority rule must govern rewriting of the Constitution.

Our Senate to the Rescue. We have a Senate filled with experienced people knowledgeable in our political system, legal system, and removed from the day-to-day operations of Government. The Senate has the power, the support systems and the capability to establish a task force to write a new Canadian Constitution.

* (1200)

Past experience has proven that the Senate is capable of holding such public meetings as may be necessary to establish the will of the people, and the ability to translate that will into a Constitution that can be made law through public referendum.

We have watched with dismay as our elected representatives squabbled over divisions of power during the Meech Lake fiasco. To place our Constitution and future into the hands of politicians committed to naked greed is unthinkable.

There is Hope. Our politicians and political systems have failed us miserably. Our best hope for a common-sense, workable restructuring comes from our citizens, and the only body in a position to undertake the necessary work on our behalf is our much maligned Senate.

If we are going to rewrite our Constitution in a manner truly fair to all citizens, we must have the voice of our citizens heard. We cannot dream of a Canada fair to all its people without giving our citizens the opportunity to state their views, needs and aspirations.

We will never achieve the remarkable place we can take in the world of nations if we do not establish internal order which will ensure us peace and prosperity amongst Canadians.

A truly thorough effort to write a new Constitution will solve most of the problems that are fracturing the country today. My fellow Canadians, given the opportunity, can create innovative sections in our Constitution which will satisfy the majorities within our French-speaking and aboriginal populations.

Our Constitution must work for all Canadians. No Constitution which includes a politically operated notwithstanding clause can survive. No Constitution which can only be changed by the majority rule of provincial politicians can avoid creating dissent and disunity within the country. Our Constitution must be written by and for the citizens of Canada, must not be changed except by the citizens of Canada and must be administered by our federal Government alone. Thank you.

Mr. Chairman: Thank you, Mr. Feldsted. Any questions? Thanks again. Robin Faye. Good morning.

Ms. Robin Faye (Private Citizen): Good morning. Thank you for the opportunity to present. I am here as an individual, but I can assure you that my views are shared by most of my many friends across Canada.

I am not here to talk about Senate reform. I feel that this issue will be irrelevant until we have fully coped with the deep cancers destroying our country. We need fundamental changes in areas in which the current powers that be have their interests smugly embedded. We need foresight and the courage to evaluate ourselves and to change our national direction. We need to establish justice for aboriginal people as the foundation of a just society in Canada. We cannot move a step forward without making this fundamental move.

As a Canadian, I absolutely abhor the crackdowns made by our Government against the aboriginal Canadians at Kahnesatake and Kahnawake this past summer, at Clayoquot Sound, B.C., yesterday at Lillooet, B.C. against the Inuit Nunatsaiq and all across this country every time an aboriginal nation opposes further industrial destruction of the earth. This country was not discovered as we were taught in school, rather it has been invaded with painful, gradual, cultural genocide and racial and economic injustice that continues to this day. This continuation of this invasion must stop.

We need to amend our Constitution to entrench the sovereignty of aboriginal nations in Canada to truly recognize the treaty and natural rights of aboriginal nations. There are 52 aboriginal languages in Canada. Why does the discussion always focus on the English and the French? These were not founding nations, they are invading ones. I suggest that we take a good look at the position of privilege we have placed ourselves in by force and question what right on earth we can have to enjoy the beauty of this land while we are desecrating it.

I support the submission of the Assembly of Manitoba Chiefs. I will read out their six main principles.

1. The recognition of aboriginal peoples as the fundamental and original characteristic of Canada.

2. The recognition of aboriginal peoples as distinct societies, with protection for aboriginal languages, cultures, traditions and institutions.

3. The recognition and protection of the inherent right of self-government of aboriginal peoples. This is an absolute necessity in order for them to be able to preserve their culture, a culture from which we have a great deal to learn.

4. The recognition and protection of our right of aboriginal title.

5. The fulfillment of all treaties, including the land claim agreement signed between the aboriginal peoples and the non-aboriginal governments.

6. The right of aboriginal people to participate as equals in the process of constitutional change.

Knowing that the aboriginal people were the first people to live in this land, I strongly believe that they have an inalienable right to participate as equals at the highest level of Government in this country and in all the provinces.

I hope for a Canada in which the environment, including humans, is respected, where the motivation and guidance for everything we do arises from the deep respect for and love for nature where we see ourselves as part of the whole, not as nature's conqueror and master which we are all too slowly learning cannot be done. Harmony can develop only through a true respect for life in all its aspects. Aboriginal nations have struggled hard to maintain their close relationship with the land, and in the spiritual traditions there is wisdom by which all Canadians must be guided if we are to live here with integrity.

We, as non-aboriginal people, must support the efforts of the aboriginal communities to strengthen their political position within Canada. My prime concern regarding the potential separation of Quebec is for the protection of aboriginal rights and the struggle for aboriginal sovereignty. With the abysmally slow response of the federal Government and their lack of will to negotiate with aboriginal nations, action to protect the ability of these nations to proceed with their struggle for justice is an issue of absolute urgency and must be addressed in any and all negotiations with Quebec.

I like the Quebecois I have met, just as I like any other people. I do believe they have a culture distinct from that of English Canada, although the aboriginal culture is fundamentally more distinct. If they are fed up with the federal Government and with the ignorant comments we have all heard from anti-Quebecers, I can neither blame them nor urge them to stay for more abuse.

Equality rights for women need funding and the political will to support them. Cuts to the Secretary of State women's program and other programs mean very directly that women and children become more isolated and vulnerable to assault and inequalities. Affirmative action is still a necessity. Look at the representation of women in Government. Even on this panel women are a minority.

We need the right to control our own bodies. We need the right to consumer choice and control over health care options. This needs to be entrenched as a basic right in the Constitution. Public health care must not be monopolized by expensive medical interests when there are natural and empowering alternatives available.

We need the right to freedom from discrimination on the grounds of sexual orientation. We need to meaningfully entrench the right to strike, the right to peaceful demonstration currently under threat by the political propaganda against the peace movement. We need the right to social security and social assistance.

Politicians need to be made accountable to the people they are supposed to represent. As Canadians, we are notoriously apathetic about our politics because we are systemically alienated from the process. It is strenuous for us to participate at all when we have full-time jobs and families and limited disposable incomes. It is frustrating to the point of uselessness when our efforts are met with form letters and pat rhetorical answers designed to dead end the conversation.

We are discouraged if our views differ from the Party line or of our particular so-called representative. If we do agree, we are simply thanked for our support and counted as a statistic. Government policy is now being made by corporations and institutions, rather than by the people who are affected. Note that organizations appeared here first on the agenda, even before this task force.

Actions, extreme and dangerously unjust actions such as the use of military force and intimidation against aboriginal people at Kahnawake and Kahnesatake, and elsewhere, such as Canada's unparliamentary involvement in the Gulf crisis that set the stage for our participation in the horrendously unjust Gulf War, arise when people are not consulted first. It is not an appropriate role for our Government to be the patriarch deciding unilaterally what is best for us in spite of our most strenuous objections.

* (1210)

It is only reasonable that we have a mechanism, as all corporations, profit and non-profit, have, for calling a general meeting and expelling directors when they are acting against the interests of the Canadian people. We need also to limit the resources available to our Government for selling us their ideas with our own money. True dialogue at the local level is what we need.

Hearings and referendums, not popularity polls, are what should be used to determine major issues. Government Members should be required by law to organize meaningful exchanges accessible to all constituents on a regular basis. We need publicly funded, independently organized, balanced, informed public debates on all issues. While I accepted as my personal responsibility to educate myself on issues, I do believe it is the Government's responsibility to participate in this process as the honourable servant of the people it is meant to be in a democratic society.

I oppose the entrenchment of private property rights because I believe that we are given life on this earth as a gift and that all of nature, be it land, minerals, water, trees or animals, is provided for all of nature to use. We are part of nature and obviously to us, a very important part. We have developed the private property system as one way of organizing the fulfillment of our needs, but it cannot be the answer to all.

While I sympathize with the roadblocks to development and frustration the real estate industry is subjected to at this time, I suggest that there may be other ways of dealing with these issues without entrenching private property rights. I suggest that that be done. I believe that it is landlords who are behind this push, hoping that the entrenchment of private property rights would enable them to make a Charter challenge to rent review legislation and thus further impoverish Canadians.

In my personal analysis, the enthusiasm for private property is one of our main problems in that greediness, corruption, aggression and alienation have grown rampant in the rush to accumulate material wealth. This philosophy facilitated the invasion of the Americas, gave us poverty and environmental destruction, and now we are taking it across the ocean to enforce it in the Middle East at great cost to the world.

We need to radically change our way of looking at life and the ways by which we fulfill our needs, so that we may learn to sustain ourselves in a spirit of co-operation that is just and nurturing and supported by the resources that Mother Earth has provided for us all.

I have not given you many answers here simply because I have learned from my experience that my own ideas can best be improved upon by developing them with the help of others. I suggest that we invest money in democracy by getting people together in their neighbourhoods at times appropriate to them, with child care where that is needed and transportation too, with the resources they need to develop solutions and policies and so to work toward healing our wounds.

I would like to say that I am proud of the individual citizens who have come here to present, and I am generally heartened in my own efforts by hearing the contents of their submissions, and the passion and courage with which they are defending their own visions for justice in Canada. I suggest that we need to get together a lot more often to develop further solutions and give our politicians the guidance that they have been lacking.

Thank you for providing me the opportunity to express my views, to hear these people and to share my views with them.

Mr. Chairman: Thank you very much, Ms. Faye. See if there are any questions.

Ms. Friesen: I wanted to congratulate you on your presentation, and also I think to suggest that the kind of citizen participation that you are talking about has come through very strongly in many of the presentations that we have heard.

I wondered if you had any further recommendations, you are really talking about a kind of participatory democracy at the neighbourhood level. I wondered if you knew of states in the United States, for example, or in parts of Europe, or in other cultures, other parts of the world where this kind of democracy does take place, and what examples we might look towards.

Ms. Faye: I think that we can look toward our aboriginal communities and find probably all of the answers there, a truly Canadian solution.

Mr. Chairman: If I might just make a small comment. I also listened with great interest to what you were saying. It is not by any design that organizations happened to appear first this morning. We have most often begun our sessions with private citizens. There is certainly no intent to give any preference to organizations over private citizens.

Ms. Faye: Thank you for that clarification.

Mr. Chairman: Thank you.

Mr. Tom Barker.

Mr. Tom Barker (Private Citizen): Good morning.

Mr. Chairman: Good day, Mr. Barker.

Mr. Barker: I have just a few words of what my own thoughts are on the Constitution. I started my thinking on the Constitution and what we as Canadians should be doing about the trouble our country is getting into.

To start, I thought I would go back to when I came to Canada some 38 years ago, what we had then, and what we have now. I hear people say that we had more democracy in some undefined time, but I do not believe we did. I look back to 1953, my first year here. In that federal election, three or four women got seats. In 1955 we elected a mayor from a minority, and I was working at the home of what we call a WASP family, and if Jack the Ripper had won he would have gone down with more grace than that. Today, if we talked like that we would be laughed out of town.

I think we have come a long way since then with our social health and welfare and the right to freedom. It is not much good to have the democratic right to university if you cannot afford to go. I am not saying we are through democracy, but step by step we are going with commitment from a strong federal Government.

Quebec has come farther than most provinces, because in 1953 things were not good and democracy was not strong, so we and Quebec should think long and hard before we kill the goose that laid, if not the golden egg, at least the silver egg.

I do not want to say that we are free. In fact, we are about halfway. In 1984 we took the step sideways, if not back, because the Mulroney Government thinks that by giving power to a few, we all gain. We know from history that is not so. When kings and lords held all power, we had serf and slaves of 90 percent of the people. Big national companies are the kings and lords of old. To them democracy is power for the few. I feel democracy is power for the good of many.

The federal Government should act in the national interest, and rise above the limited provincial outlook. Mr. Mulroney appoints a federal spokesman who has been a separatist for 23 years. Both he and Mr. Mulroney said, if we reject Meech Lake, we reject Quebec. I do not think so. My reading of Meech Lake was that all 10 provinces got the car and the credit card, with the bills going to Ottawa and nobody there to pay them. So we know that will not last for long.

* (1220)

Now we have Quebec saying with 22 demands that it wants a car, a credit card and the centre of the house. Now we know that is wrong. What do we do to try to put these things right?

Senate reform, I suggest that we have 48 senators elected on proportional representation for seven-year terms, only two terms to be served. Quebec and Ontario, 12 seats each, four for Alberta and B.C, and two each for all other provinces, and two each for the northern territories, east and west. The first election, top six, top two and top one in their constituency would serve for seven years, bottom half would run in four years. A comparison would be, an election in 1993, we would elect 48, in 1997, 24; in the year 2000, 24; and 2003 would be 24. I know some of the smaller provinces get more representation, but roughly a senator would represent about 500,000 people.

A Bill coming from the Commons if not passed stands until next election. If defeated twice, they are out.

Now for the hard part. What do we do about the Allaire report? If we are to believe them, we do not have much room to talk. It is take it or leave it.

Well, let us say something that we want. First for me, I do not want my country to be an East and West Pakistan, we know how well that worked. If Quebec must go, we say, all land south of the St. Lawrence River stays in Canada as a land tie between east and west. We do not want to be dictatorial, but we will not let our throats be cut without a fight. We must not cut Quebec off, but say, if you go, go alone, pay your own way, pay your share of the national debt, and if it will not work we will have you back with open arms.

How to write a Constitution to fit all people in Canada which is open, fair and democratic? I believe the following functions are best reserved by the federal Government: Citizenship, external affairs, finance, a national economic policy, health and welfare, justice, national defence, Charter of Rights and Freedoms, Supreme Court, the National Energy Board, interprovincial trade, international trade, fisheries, labour and communications. There may be more, but this would be at least to lay a foundation to build the Constitution.

We should have the right to preserve and promote the rights of minorities. The most effective way to ensure the survival of the French language and culture in North America is not through isolating Quebec, but through a strong Canada. We must have some mechanism in the Constitution to safeguard us as an independent nation so that we have the ability to control our economic development.

The Free Trade Agreement has been a disaster. We have economic integration without any safeguards for labour or national culture, and culture is what a nation is about.

What worries me is a Government who might die before they make a will, and the family, Canada, will start to fight over the estate. Uncle Sam will come in as a trustee of the estate and he will parcel out Canada bit by bit, and with trust terms that we cannot meet he will walk away with the estate.

We have to talk about leadership, aboriginal people, women's rights and electoral reform, but that is best left to people who know a bit more than I do. I do hope some of my ideas will find favour with you.

Thank you very much for listening to me.

Mr. Chairman: Thanks, Mr. Barker. Any questions? Thanks again, sir.

Mr. Barker: Thank you.

Mr. Chairman: Mr. Wolchock. Mr. Sidney Wolchock.

Mr. Sidney Wolchock (Private Citizen): Mr. Chairman, Honourable Members, I appear in my personal capacity as a private citizen, a resident of Manitoba, a citizen of Canada, concerned with what I see and what I hear and everything that we feel about our country and its importance in our everyday lives and our futures.

I believe that, given the circumstances where the general public is afforded an opportunity and a platform to address an issue such as that before you, many are prepared to fix the blame, but few if any are prepared to repair the problem. That is an all too common situation. I submit respectfully, Mr. Chairman, that the issue, the problem, if you will, is clear and defined, and the means of repair are at hand.

Many Canadians and their families immigrated to Canada from foreign lands where they suffered prejudice, hunger, violence and indecencies of all sorts which forced them to flee. They arrived in our new wonderful country oftentimes with fear and trepidation.

Indeed, Canada was in many ways very difficult for them as well. However, our country and its leaders from time to time professed for these people equality and, generally, equality before the law and, indeed, law and order. That is significant, because in most instances law and order and equality did not prevail in their homelands. Prejudice too for many was ever present and regrettably will remain so for the future. We are all too familiar in our daily lives with that situation and regrettably encounter that in our experiences.

These immigrants came to our country hoping for an opportunity, security, safe haven and a future. Work, which was their only asset in most instances, was their means to a new lifestyle. They did not think in terms of concepts such as unity of country, because their work was all consuming in order that they would be able to feed, clothe, educate and protect their families and children.

Protection for their children and families was essential in light of the indignities and violence which they had previously suffered. Generally, however, and I emphasize that, Mr. Chairman, their homelands, their places of birth had formally established their ethnic backgrounds. When they came to Canada, if we even assess only a small number of the communities within our own province, they always seemed to interact with their compatriots. They worked in concert with their compatriots to establish societies and organizations in order to maintain the culture from their homeland, religion if it was applicable, and the heritage that they had brought with them from their homelands to Canada. They developed leadership from within their own ranks, but they looked for leadership on a broader scale within Manitoba and Canada. This leadership which they hoped to find never materialized. It failed so disastrously that today, political leadership may be indeed an oxymoron. Politicians saw the division within these groups; politicians misled and misrepresented to these groups to the point, I submit, of distrust and perhaps utter disgust.

However, the politicians did succeed in perpetuating the division in order to maintain their control by creating clear separation of the ethnic groups through multiculturalism and bilingualism. We have had many of these "isms" in the past, for example, fascism and communism.

I am a first generation Canadian and perhaps that is difficult to believe in 1991 that I sit before you having been educated, indeed born in Manitoba, the son of people who came to this country, fled Russia, fled the czar in 1912 and 1913 hoping for a future. They were young people perhaps with a dream, perhaps without, but they knew that life in Russia was unbearable, and they hoped that their future would be with freedom. Their religion did not permit them any right of movement in Russia, and indeed the Russian Government of the day forced these people to leave their heritage and their homeland. Freedom, Mr. Chairman, was of course relative and only a vision as it had never been experienced by these people. However, through very hard work and dedication which were their means to build a future, they did so within the concept of equality under the law and democracy and the peace that prevailed, they were afforded this opportunity and their future.

* (1230)

Perhaps for all Canadians who immigrated, our success and good fortune with peace and democracy results in political naiveté, and perhaps politics fostered the principle of hyphenated Canadians, that is to say hyphenated Canadianism. Our "ism" is a direct result of the success of the politicians maintaining political power through the forces of multiculturalism and bilingualism. Perhaps not as bad as two of the "isms" that I mentioned previously, but nevertheless "isms". In each and every instance, the "isms" which proved inappropriate and unacceptable, history tells us, came down with a resounding crash. So too did the societies which were founded on these unworthy principles.

If we allow ourselves to be led by deal makers, by political opportunists, by those who more rightly ought to be working in the lotteries section rather than as the head of Government, and who propound specific selfish aims, then without question we will suffer, and we will suffer the same indignities that befell those other societies.

I want to make it very clear, Mr. Chairman, that I encourage the ethnicity of the immigrants, their cultural heritage, values, religion, attitudes and so on, but not at the expense of a valid, worthwhile and necessaryism, patriotism, a dedication to our country, to Canada.

Canada must, as a geophysical and political concept, rank supreme over the individual desires and cultures of our forefathers. Unfortunately, the Canadian mosaic, under the guise of multiculturalism and bilingualism, did not complement unity but has resulted in disunity.

If we are to preserve our country, Canada, a force for unity must emerge immediately. The I/me doctrine is contrary to the preservation of our country. We must stand together, or as the worn cliche goes, together we stand, divided we fall.

I am not suggesting to anyone that other people who have appeared before you did not have worthy and worthwhile suggestions. Perhaps there were many, and perhaps each and every one should be incorporated, but the legislation in Canada, and particularly the amendments to the British North America Act, allowed for amendment, a clear, concise, pattern of amendment is scheduled within the Act. Perhaps the amendment that is most needed is one where we immediately take out of our way of life these divisions, enact an amendment preventing Canadians from being divided; suggesting to Canadians, be Canadians, do not be swept up in multiculturalism and bilingualism, be swept up in patriotism for your country as true, dedicated Canadians.

If we continue to hyphenate our descriptions as Canadians, if we continue to inappropriately foster bilingualism and multiculturalism, if we continue to allow Governments, or any group for that matter, to insist that we play by their rules or they will withdraw, then surely we as a country will fall, and surely we will break into a thousand pieces, only to be scooped up by some other force or some other power.

We stand here today in a country of great riches, magnificence beyond description, with wonderful opportunities to clothe, feed, educate, shelter and protect our citizens, but on the other hand we misdirect our resources. We flagrantly disregard our ability and that which is about us. The money that ought to be properly spent on education, medical services, and the like is consumed without control, for example, by translating old statutes that no one ever reads from English to French.

I want to make it clear, Mr. Chairman, I am not anti-French. I am merely describing the terrible waste of our funds and resources. Why does this happen? Why do we have to have signs changed continually and incur substantial public outlay of funds in order to satisfy a specific group?

Well, merely because it is politically expedient, and that political expedience allows politicians in some spheres to preserve their power base and to maintain the division within the Canadian fabric that allows them to be re-elected so they have veritable sinecures.

Everyone in this country without qualification and without hesitation has the right to be dealt with honestly, decently and fairly. However, cultural, ethnic and religious heritage ought to be developed and fostered at home and within the groups in societies that enjoy that particular heritage, not from within the Government, funded by and directed by the Government.

We are very clearly experiencing today the result of bilingualism and multiculturalism in a demand, a very distinct demand, by one of our largest component parts for separation that confronts us daily. I do not want to see this country torn apart, and I do not think any right-thinking citizen ought to think that way either.

This unfortunate evil—and, yes, I am calling it an evil—has been created by politicians and Governments who have thrived. Their existence is based on a divided society. The surest way for the evil about us to succeed is for good people like us to do nothing to prevent it.

So we can leave this room after I am through, since I am the last scheduled speaker, and forget everything that has been said. Indeed, you may not even want to think of it as an evil, but it certainly will be the evil that brings our country to its knees if it is not resolved, and it is not resolved through unification with Canadian content and Canadian fabric.

When I was a very young man at public school—I think it was Machray School in the north end of Winnipeg—we were taught to respect our country, that we were privileged to be Canadians. Every citizen enjoys that privilege. I should want it to go on forever and ever, as I am certain you do too.

When I was a young man at school, we met in assembly quite often and would sing "O Canada!". At that time the lyrics were clear. They were sure. We did not have to guess, and they were not changed. We did not have someone changing them to suit a particular section of the country. The reason was that our respect for Canada was unshaken. Similarly, with great respect we sang "God Save the King" for our monarch.

* (1240)

The problem at hand today, Mr. Chairman, and the evil that I have described should compel each and every one of us as a Canadian to rid ourselves of this divisiveness, to start over again, remove from the documents the rights to multiculturalism and bilingualism, to stand up and be counted as one unified group, perhaps indeed with only one language, English, and with the clearest of voice from resounding heights say, God save Canada.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, sir. Any questions?

Ms. Friesen: Thank you for your presentation. I think you have been very clear and have told us very clearly the kinds of things which you are opposed to and which you think should not represent Canada; bilingualism, multiculturalism in particular. What I am trying to get at and as is true of a number of presenters as well is, how would you define the Canada to which you would like everyone to owe their allegiance? How are you defining that fabric of Canada?

The things that I discerned in your own presentation were monarchy, individual liberties, the rights to education, the rights to medicare, and then you puzzled me a little by saying that culture must be in the home. I am wondering what the Canadian culture is that you would like people to move towards or to accept. I am saying this in the context of another presenter we had last week who suggested that we develop a 25- to 40-word statement about what it means to be Canadian, and so I am really asking you to think of it in that context as well.

Mr. Wolchock: We have a wonderful opportunity to answer that by looking at the situation in England or in the United Kingdom where, of course, there is no written Constitution. To the best of my knowledge, there really never has been a written Constitution.

All of the people who came to Canada are the mosaic. They are Canada. The culture that I speak of in the home is their ethnic culture, and Canadians in combination and in reacting one with the other 40 years ago never talked about bilingualism or multiculturalism, and we were Canadians.

Although I was too young, all these Canadians stood up and they went and fought against fascism and communism as Canadians. The badges all said

Canada. They did not say French Canada, English Canada. They did not say Ontario. Of course, there were regiments and units, and that is only one example.

The Canadian fabric, the Canadian culture is all about you. It is in this building. It is on the boulevard outside. It is the people. It is the different languages that they speak. My goodness, it is wonderful. It is the greatest thing that—we live in the greatest country in the world, and it is there. It is evident. It does not have to be written down. We all work together, and that is Canada.

The moment that our politicians elect to give special interest groups rights and to delineate them, that detracts from Canada. Canada is what you see.

We are not buying a pig in a poke here. We are looking at a country, and the problem is that we can only do it by saying we are Canadians, not saying we are French Canadians, not saying we are Polish Canadians or Ukrainian Canadians, but saying that we are Canadians.

I do not hear that in the United States too much. I do not hear it in France. I certainly did not hear it in Denmark, but we hear it in Canada, we hear it in Winnipeg, and I believe it has been forced on us. The Canadian culture will be what it is by the interaction of the people without the meddling of politicians.

Mr. Chairman: Thank you very much, Mr. Wolchock.

Mr. Wolchock: Thank you.

Mr. Chairman: That is the end of our morning session, ladies and gentlemen. We will be back to hear the afternoon presenters at 1:30 this afternoon, less than an hour from now. Good afternoon.

* * *

The hearing took recess at 12:45 p.m.

After Recess

The hearing resumed at 1:42 p.m.

Mr. Chairman: Good afternoon, ladies and gentlemen, both those watching us on television and those in the audience this afternoon. Those about to make presentations, welcome to our second session of the day. We have a very long list of presenters this afternoon so I would like to get at it without any further preliminary remarks. I will call on Mr. Peter Sim as the first presenter.

Mr. Peter Sim (Private Citizen): Good afternoon, Mr. Chairman and Members of the task force.

Mr. Chairman: Good afternoon.

Mr. Sim: I would like to thank you for accommodating me and taking the time to hear me. I have distributed a written brief, which I trust you have all received.

Mr. Chairman: I am not sure you are being heard, sir, and I would like to get that sorted out before we go any further. Can you hear in the body of the room?

Mr. Sim: Is this mike better?

Mr. Chairman: I think you have probably got all three working but none of them very effectively. Let us see how we do. Go ahead, please.

Mr. Sim: In any event, these are interesting topics. The world is facing both a major recession and a major war; agriculture is in crisis; the environment is threatened as never before; and we in Canada are back to tinkering with our Constitution. In many ways, Canada faced these same problems back in the 1930s. In 1937, Premier John Bracken, whose picture is just over there to the right of your table, made a submission to the Royal Commission on Dominion Provincial Relations. I would like to refer to a few passages. First of all, in the introduction, he states:

"We shall make our presentation not as mendicants seeking favours, but as Canadian citizens seeking equity," and that theme runs throughout the report.

The main point in Manitoba's case was that there was an imbalance between the constitutional responsibilities of the provinces and the financial ability of the poorer provinces to carry out these responsibilities. The depression had left the western provinces devastated by drought and the collapse of world grain markets. They were also suffering from the effects of tariff and monetary policies designed to serve the interests of central Canada. They did not have the revenue to meet their ordinary administrative responsibilities, let alone the vastly increased costs of agricultural and unemployment relief.

Manitoba at that time rejected the suggestion, still popular among provincial rights advocates, that these problems could be solved by a legal redistribution of taxing powers or tax points. A constitutional power to tax is useless if taxpayers cannot pay. Direct federal spending was the only solution. The report states:

"Anything short of the assumption of greater responsibilities by the Dominion will leave those provinces, which within their borders, have unsheltered industries, in a condition of economic inferiority . . . . If certain provinces must accept unfavourable national policies determined by majorities who live elsewhere, and are at the same time denied the assurance of a minimum standard of public service, the prospect of Canada becoming a nation truly united by anything more than legal bonds will be unnecessarily postponed".

Manitoba asked that the Dominion Government take over full responsibility for unemployment relief and pensions and provide 50-50 cost sharing for a whole series of services, including mothers' allowances, hospitalization, public health, highway construction and technical education.

In conclusion, Premier Bracken urged:

". . . such a readjustment of Dominion Provincial relations as will make possible within Confederation, a workable plan under which the Dominion, provincial and municipal Governments can provide for the people in every province of Canada, that common standard of public and social services to which as citizens of Canada they are justly entitled."

At first Manitoba's submission was angrily rejected by the Governments of Ontario and Quebec, but a substantial part of it was incorporated into the Rowell-Sirois Commission Report. This report became the basis for the system of equalization, cost sharing and national social programs that Canadians developed following the Second World War.

Over the last 50 years, one of the defining features of Canadian nationhood has been the commitment that all Canadians in every province deserve a decent standard of education, employment opportunities and protection in sickness, poverty and old age.

Now that commitment is under attack. The federal Government contribution to health care, post-secondary education and other social services has been shrinking for the past 20 years. Some voices are now calling for the elimination of compliance with national standards as a condition for cost sharing. Even the Canada Health Act which seemed to be absolutely sacred when it was first introduced only a few years ago is now being publicly criticized.

To some extent this is a political issue. If one federal Government wants to cut back on its contribution to social spending for reasons of economy or ideology, it will have to answer for its conduct at the next election.

The more dangerous battle is on the constitutional front. Opponents of our national system of social services are not content simply to defend their position from election to election. In the long run, they know they will lose. They want constitutional changes which will ensure that no future federal Government will be able to rebuild or expand what one Government has destroyed.

The first such attack was repulsed with the defeat of the spending power provisions of the Meech Lake Accord, there will be more. We in Manitoba must continue our tradition of standing up for justice for all Canadians and particularly those who are most disadvantaged.

This justice is not going to be achieved through Senate reform. The so-called Triple-E Senate is nothing more than a simple-minded slogan. Every aspect of the proposal is based on a dangerous ignorance of history, politics and constitutional practice.

The suggestion that seats be divided equally between the provinces can easily be disposed of. It is not going to happen. There is no point in debating the relative merits of various distributions from the point of view of political theory. This is a question which is resolved on the basis of power politics.

In the United States there is a Senate based on equal representation because the original Continental Congress was based on equal representation for all states. When that system broke down and the new Constitution was framed, the smaller states insisted on retaining at least some of their advantage through a two-House Legislature, one of which was based on equal representation. The political realities of the day forced that compromise.

In Canada, the dominating political reality today is nationalist pressure in the province of Quebec. No Quebec Government of any political stripe will accept a federal institution in which Quebec has a lesser share of votes than its share of the population. Right now, if you are endorsing a Triple-E Senate you are also calling for a divided country.

* (1350)

The proposal that the Senate be made effective is another misguided attempt to transplant part of the American political system into Canada. The American Senate was designed to work alongside a strong, independent President. In fact, however, the system does not work very well. There is constant tension between the White House and the two Houses of Congress. Just recently you may recall that this tension left the United States Government without any money for a few days while a budget Bill was worked out.

In Canada, we have a system based on responsible Government where the executive is expected to maintain the confidence of Parliament. That system works because Parliament in effect means the House of Commons. The Senate is not a Chamber of confidence, because it has not exercised its power to defeat the Government on matters of confidence.

If, however, the Senate is to be made elected and effective, all of the implications for a responsible Government have to be thought through. Australia, to take another example, had an unfortunate experience a number of years ago because of a conflict between the Upper and the Lower House which resulted in the Governor-General choosing to fire the Prime Minister.

Electing senators poses its own dangers. Having more elections does not necessarily make a healthy democracy. Much of the cynicism about modern politicians arises from the way campaigns are run. They are seen as expensive exercises in media manipulation run by professional political managers, but at the constituency level the system retains one virtue which outweighs all of its flaws. It forces would-be politicians into face-to-face contact with the people they hope to serve.

A province-wide Senate campaign would break this link between politicians and people. A province-wide constituency is simply too large for that sort of face-to-face campaigning. Senatorial candidates would have to rely on a political machine which would have the money to buy them media exposure. There is nobody who really has the ability as an individual to go into a riding to do what an individual can on a riding basis, that is run on the basis of one's own personal reputation or build up influence within a political Party without becoming part of a larger political machine.

The sense of alienation that is so prevalent in modern politics would be increased if you start having elections on a larger scale. Once again, I would point out that in the United States where they have an elected Senate, the participation rate in elections is much lower than it is in Canada. If we must have more elected officials in Ottawa, why not add 100 seats to the House of Commons and bring the politicians closer to the people instead of further away.

In any event, I suggest that the Senate in its present form is a disgrace. It is a national, and it is becoming an international, embarrassment. However, the cheapest, quickest and safest way to get rid of it is outright abolition, and that is the recommendation that I would urge that this task force make to the Government.

As I said, the dominant concern in Canada today are the demands from the Province of Quebec. Like it or not, all of Manitoba's concerns have to be dealt with in this context. One refrain we have been hearing more and more, particularly from the province to the east, is if only we had passed the Meech Lake Accord, none of this would have happened. That statement assumes that the Meech Lake Accord itself would have meant nothing, life would simply have gone on as usual. That is just not the case.

In Quebec, the Meech Lake Accord was seen as the starting point for a major reorganization of Confederation. If it had passed, we would be hearing most of the same demands for additional powers that we heard in the Allaire report. The only difference is that instead of being described as sovereignty association, they would be labelled something like restructured federalism or giving substance to the recognition of Quebec as a distinct society. The fact remains that the demands for new powers are there, and they have to be dealt with. It is not possible at this time to discuss them in detail. One thing that the Government of Manitoba should be doing over the next few months is conducting a detailed economic and social review of the implications of various possible redistributions of power. I think only once the Government has used its resources to do that study and make the results available to its citizens can ordinary citizens be expected to make any worthwhile comments.

However, at this point, it is possible to discuss some of the general implications of how we should respond to Quebec's demands. The traditional federal answer to Quebec demands for more power has been to offer the same thing to every province equally. That was the Meech Lake solution. The problem with it is that the provinces are not equal in their ability to exercise new powers.

Ontario and Quebec could probably manage fairly well as independent nations. Alberta and British Columbia are wealthy enough to take on significant additional authority. The remaining six provinces, including Manitoba and the territories, have to struggle to meet their present responsibilities. They would face financial disaster if they had to assume half of the powers that the Allaire report recommends be given to the provinces.

Special status for Quebec does offer a neat solution to the problem of small provinces. We should not dogmatically reject it. On the other hand, if carried too far, certainly if carried half as far as recommended in the Allaire report, it once again poses special problems.

Quebecers cannot expect to have both special status for their province in certain areas and at the same time the right to participate, through the federal Government, in making decisions for the rest of the country in those areas. If, for example, Quebec is to be given exclusive jurisdiction over culture and communications, then you could not expect to have a Quebec M.P. become Minister of Culture or Quebec M.P.s sit on a parliamentary committee relating to culture and communications. Now, some of that could be worked out through political compromise without causing serious damage, but as the extent of special status widened, the scope of activity available to a Quebec Member of Parliament would narrow.

Ambitious and able Quebecers would tend to concentrate more and more on provincial politics, and that would fuel the demand for ever increased special powers. Meanwhile, there would be demands in the rest of Canada for some remedy to the situation where Quebec Members of Parliament have the right to vote on legislation which is binding in every province of Canada except their own.

The logical solution to this problem of special status would be to split Parliament into an assembly for Canada outside of Quebec and another for Canada including Quebec. This is really a backward way of describing special sovereignty association. While practical in theory, this would be hideously complicated in practice. Canada cannot afford yet another layer of Government on top of the existing federal and provincial Governments. We are paying for enough bureaucrats as it is.

This leaves two remaining options that could work. One is for the Government of Quebec to declare itself independent and demand to negotiate a new relationship with a reconstituted federal Government representing the rest of Canada. The other is for everyone to go back to the federal-provincial bargaining table and patch together a compromise where everybody, including Quebec, will give a bit of ground. Conventional wisdom says that this is not going to happen, but conventional wisdom has not yet put forward any alternative with a better chance of success.

* (1400)

I want to close my brief with a comment on the process of constitutional change. Whatever changes in substance we make, we must always make sure that the process of change is open and democratic. In fact, process can be more important than substance. The democratic heart of the Canadian Constitution is not a legal document but a whole series of unwritten rules, conventions and practices which have developed over the centuries out of practice and procedure. Our system of Government is open and democratic today because, over the centuries past in Canada and in Britain, Parliament and the people have refused to tolerate Governments which were secretive and arbitrary. The only way to build and maintain this position is to practise it consistently, no matter how great the pressure to depart from it.

Thank you.

Mr. Chairman: Thank you, Mr. Sim. Questions?

Mrs. Render: Well, I am almost afraid to ask a question with words such as simple-minded and misguided, which you use in reference to the Triple-E Senate. I am wondering if you can tell me how you would get around the problem of underrepresentation in Ottawa if we do not do something with the Senate. I mean, rep by population is how the House of Commons is formed and Manitoba's population is not the same as Ontario. How do the less populous provinces or regions of the country then get a strong voice if we just simply abolish the Senate? Let me just add another sentence to that. I notice in your last paragraph on page 3, you essentially say that the Canadian system works. Well, I am not too sure whether it really does work as effectively as we might want it, so I wonder if you could just help explain that. If we do away with the Senate, how do we make sure that we here in Manitoba have a voice that is heard?

Mr. Sim: I think, first of all, you have to remember that the Senate must be looked at in the context of all of the existing institutions. Right now, we in Manitoba have a voice through our provincial Government. Unlike the United States, the institution of the federal-provincial conference is extremely important, and at the national level the provincial Premiers play much of the role that the state senators play in the United States. As far as what is over and underrepresentation, that is a relative term. You know, it is hard to say why equal representation for provinces is more appropriate than representation by population.

You might want to turn to the appendix at the back of my brief where I look at some of the numbers behind Senate reform. If you look at the numbers you will see first of all that there are very large discrepancies between the populations in the provinces, in many respects, much larger than they are in the United States. I think that is one of the reasons why the larger provinces are going to say that equal representation is simply not fair representation.

More importantly, I think if you look at the national basis, I have always wondered why the loudest voices calling for Senate reform have come from Alberta and British Columbia. They are two provinces which right now have approximately between 9 percent and 10 percent of the population, so they are appropriately represented in the House of Commons. In the Senate, they would have approximately the same representation if the Triple-E suggestion were adopted.

So I think the real winners would be the very small Maritime provinces which tend to have a vested interest in supporting a strong federal Government, because they need the federal revenue. So I think if you went to a Triple-E Senate you would probably have complaints from many of the same people who are now complaining about the National Energy Policy about the way in which the Maritime provinces are siding with the central provinces to strengthen the federal Government.

So I do not think that simply reshuffling the distribution of seats is going to make the system work any better than it does today. I think right now Manitoba is appropriately represented. Every other province is appropriately represented by its proportionate share of the population and by the voice that its provincial Government has in federal-provincial negotiations.

Mrs. Render: So I guess I can conclude that you think the system is working fine now, and there is really no need to look at any alternate form.

Mr. Sim: I think the system is not working fine, because we have an unelected Senate that is making complete fools of themselves and frustrating the will of the elected House of Commons. I think the system would work much better if you got rid of that Senate and spent the vast amounts of money that they are spending, on something useful.

Mr. Carr: Just one comment. You talk about provincial Premiers who negotiate with the federal Government and, thereby, protect provincial interests, but they only protect the interests within provincial jurisdiction. The whole idea of a Senate is to protect the interests of the smaller provinces within the federal jurisdiction. I gather from your answers to Mrs. Render that you feel there is absolutely no necessity or requirement now to tinker with that at all. Is that right?

Mr. Sim: I think not. I do not think that you will find that, given the overwhelming weight that the larger provinces have in the House of Commons, a Triple-E Senate is going to have much effect either way. As long as the House of Commons remains the chamber of confidence, I do not know that there is much that a Senate can do to protect the smaller provinces' interests.

It is interesting that most of the complaints you hear about the smaller provinces being hard done by relate to things like Government tendering. I know the CF-18 contract is one of the examples that came up. Now do we really want to have a Senate whose only power is to vote on legislation where the senators are going to vote, not on whether they think a particular piece of legislation is good for the country as a whole, but say, we are going to sell our votes to you in exchange for getting what we think is a reasonable share of Government contracts for our region. That is unfortunately what the United States Senate has degenerated into in some respects. I do not think we need that and I do not think we can afford that in Canada.

Mr. Chairman: Any other questions?

Ms. Friesen: I wanted to pick up on some of the Australian Senate comments that you made. One of the ways in which the Australian Senate is perhaps less distant from its populous is that it goes along with compulsory voting. I wonder if you think that is something we should look at in Canada.

Mr. Sim: No, I do not think compulsory anything is particularly desirable in a democracy. I think people have a right to vote with their feet. Australia may be somewhat similar but in a country like Canada where there is a very widely scattered population compulsory voting would be resented.

Our Canadian tradition has been that voting is voluntary, that politicians, if they want people to vote, have to go out and get them. I think in fact compulsory voting, by eliminating the need to organize to get out the vote, would really reduce the importance of a volunteer organization in a constituency. It is the need in Canada—the need to make sure that people vote is one of the reasons why politicians have to go door to door and talk to people.

Ms. Friesen: So your position then upon the distance of the Senate from the electorate stands in a Canadian context not with the full Australian baggage?

Mr. Sim: Yes.

Ms. Friesen: Could I pursue a little—the last part of your paper where you talk about process. You obviously did not have much time in your presentation to speak about that. You talked about the reconstitution of Canada and that it should be done in an open and democratic way.

We have had some presentations that have talked about constituent assemblies, and obviously that is a route that is followed in some countries. What kind of proposals would you have for this kind of reconstitution, whether it is to include Quebec and Ontario or not?

Mr. Sim: I think a constituent assembly could be worthwhile, subject to one qualification, that it includes a lot of people who are experienced politicians. One of the things I am a little suspicious about when people talk about constituent assemblies is that they want to talk about ordinary Canadians as though there is some vast, untapped fund of wisdom out there that we would draw on if only we could get rid of the nasty politicians.

I think when constituent assemblies have worked, they have worked because they have consisted of a lot of the same men, usually, in the historical examples I am thinking of, who were involved in making the old system work and who are committed to making the new system work.

* (1410)

So I would suggest that if we set up a constituent assembly we might set it up by drawing on existing Members of the provincial Legislatures. You might give each provincial Party a right to nominate a certain number of Members to a constituent assembly, and the votes would be weighted according to the number of votes that the Party received in the last provincial election.

It is an awkward system. It is analogous to what is often used in corporate annual meetings where shareholders vote according to the number of proxies they hold. That way you would get an appropriate weighting of the various votes. You would have open discussion, not simply between provincial Governments which often represent less than 50 percent of their population, but all Parties and all interests.

Ms. Friesen: The last point I wanted to talk to you about was the Triple-E Senate and the arguments you have advanced for Quebec not being interested in that kind of power sharing. I wonder if—you just have a minute left. Would you extend the same kinds of arguments to Ontario?

Mr. Sim: I think Ontario may be a little more tolerant. Ontario has one interest in keeping Canada whole. Ontario does not have the unique position of being a province charged with the role of protecting the rights of a linguistic and cultural minority. Quebec does have that function, and, you know, the Government of Quebec, I think, has a right and a duty to ensure that the voice of French-speaking Canadians is not unduly weakened in any federal body.

Mr. Chairman: Thank you very much, Mr. Sim. The next presenter is Professor Paul Thomas.

Mr. Paul Thomas (Private Citizen): Thank you, Mr. Chairman. It is a pleasure to be here. I am going to try and be very brief in stating my points and then inevitably I will gloss over some details. If you wish to follow up with questions, I will be pleased to respond to the best of my ability.

Let me say quickly, first, that I want to compliment participants on the task force, both this time and the previous coming of the Fox-Decent task force, and our Party Leaders who went to Ottawa to participate in the final stages of the Meech Lake process. I think they adopted a very constructive, positive approach in trying to reach some kind of national accommodation.

I think, in many ways, the Meech Lake process was a turning point in the history of Canadian federalism. I think most people agree today that the status quo is unacceptable. I am not sure that anyone has identified the formula for holding the country together. I believe that it is still worth the effort. I am not lapsing into such deep despair that we should give up on this process because, even if Quebec chooses to be its own country, we are going to have to find some civilized, reasonable way to live together in this part of the world. So we must, in the course of these discussions with Quebec, demonstrate a kind of understanding and civility that is necessary to work together in the future.

I want to talk today about three things, and I apologize for not having a written brief for you. I will get some notes to you eventually. I want to talk first about regionalism as a problem in Canada. I want to talk about the issue of Quebec's place within Confederation, and then I want to talk about the process of constitutional renewal.

On the first question of regionalism, I have been doing some work for a royal commission at the national level involving the role of political Parties as nation-building institutions. I have been studying the functioning of Party Caucuses at the national level, and through looking at the issues of regionalism in Canada, I have concluded that the problem of regionalism is much exaggerated in this country in real terms. At the level of perception it is a serious problem, and I recognize that practising political politicians have to deal with perceptions as well as reality.

The prevalent view seems to be that the national Government is insensitive to regional concerns, that it is too majoritarian and too centralized in both its political and its administrative decision making and that there are examples of severe interregional conflict that take place within the national political system. To make a long story short, a long story that is about 80 typewritten pages, what I discover is, in looking at the evidence on this, that the social economic differences among the provinces are far less than we usually assume.

We have sort of mental stereotypes of the interests of different provinces and ignore the heterogeneity within provinces, so the provinces are not as much distinctive as they used to be in the past. There is a regional texture to this country at both social and economic terms, but it is not as great as we sometimes assume.

There is, however, a problem of perceptions. Canadians do think in regional terms, they do identify with provincial Governments, they feel closer to their provincial Governments than to the national Government, but while they have loyalties to provincial Governments, that does not pre-empt or displace a strong loyalty to the country as a whole. That is very present in all the public opinion polls that I have looked at, and I have read more than I care to remember.

A large percentage of western Canadians, upwards to 80 percent, feel that the national political system favours central Canada. That is a fact out there in the real world. It is interesting though, when you look at the major public policy fields, whether it be the economy, the environment, social policies, you could go on and on, there is considerable convergence of opinion about the nature of the problem and the solutions that Government should attempt to apply. The convergence of opinion exists even within Quebec, so public opinion leaders and the general public within Quebec often are thinking the same things about what Governments are doing or fail to do as people in the rest of the country.

What I conclude about regionalism is that our constitutional arrangements and our institutional arrangements exaggerate the importance, they build regional conflict into Canadian public life in a serious way, they drive a wedge into the country in some ways. It is mainly federalism, and it is mainly the continuous battle between federal and provincial Governments which increasingly is played out through the media, through televised conferences and so on, which leads to a sense of deep divisions within the country. It is also a function of the electoral system which sees individual provinces or even groups of provinces assigned to the Opposition side of the House of Commons, and the assumption is therefore that their interests go unrepresented in national decision making.

I will tell you, and again I cannot go into details, but the Party Caucus system works very, very effectively in bringing the concerns of provincial societies to bear on national decision making. Particularly on the governing side, when a provincial caucus, even one as small as the Progressive Conservative Caucus from this province, is led by a strong regional Minister, it makes a difference in national decision making. Numbers are not magic. It is a bit of a mirage to think that the whole problem relates to numbers.

There are ways, however, to respond to the regional discontent which is real. More use of free votes in the House of Commons—I could elaborate on that, but it was a recommendation of a special committee on reform in the House of Commons. The Mulroney Government has not used that opportunity to declare in advance that there will be free votes. I think that on politically sensitive topics, ones that are regionally divisive, the Government before adopting a position should assign the topic to a parliamentary committee and let it move across the country before adopting a position.

Then I will turn to Senate reform as a response to regional discontent. I find the Senate to be a far more useful institution than most people think it to be. Most of the people who are the strongest critics of the Senate have never taken the time to see how it actually works. There are a lot of glib things said about the Senate. It is a $36 million institution. I heard Mr. Sim say it is an expensive waste of time. If you see what the Senate actually does, it is a far more useful institution. It represents provincial societies on national policy matters. It does not represent provincial Governments and it should not.

We find the appointment principle something of an anomaly, but in other major positions in Government we follow the appointment principle. It is not so much appointment that we find repugnant but the fact that political people with political pasts get appointed, and they do not seem to have qualifications that go beyond their partisanship. It is that which more offends Canadians and the assumption that the Senate does no work at all, and they are having to pay for it.

The Senate though, I am here to tell you, is a very valuable institution. It is not a perfect institution. You cannot abolish the Senate quite frankly, so you have to reform it. You have to look seriously at the Triple-E proposal. I am not a big fan of Triple-E, but I say that it has gained enough political momentum now. To ignore it and hope it will go away is impossible in political terms.

We will probably have to look at having an elected Senate, probably on the basis of some single transferable vote system of P.R. We will have to look at greater regional equality within the composition of the Senate but not perfect equality among the provinces.

The trickiest part of the three big E's is how effective we want the Senate to be. It cannot be a confidence chamber. It cannot have a veto that applies to supply and taxation matters. It has to therefore, in my opinion, have a suspensive veto, probably 120 days. Since I believe there is already more regional representation in the system than people give it credit for, I am comfortable that a 120-day suspensive veto would be sufficient to arouse public opinion about the dangers to a particular region.

On some matters, perhaps on language matters, you might have a double majority for Francophone Senators, and that will play into something I want to say in a moment about Quebec and asymmetrical federalism. Secondly, you may want on regionally sensitive issues, like equalization payments, to provide a requirement that a special number of senators vote on matters that apply, say, to the have-not provinces.

* (1420)

The advocates of a Triple-E Senate would see my plan to be an unduly weak Senate. It would not be potent enough. The Senate cannot be a non-partisan Chamber. That is a hopeless dream. All elected political bodies will be partisan. That is the only way people can get elected, and partisanship will provide the energy which drives the institution.

Let me move quickly to Quebec and Confederation. There is no easy formula to reconcile Quebec's present thinking with the concerns of the rest of the country. The buzzword today is "asymmetrical federalism," once called special status. I can contemplate with some equanimity the idea of Quebec having a different set of constitutional powers. The quid pro quo for that would be that Quebec representatives in national institutions would have less decision-making authority.

It would be disastrous, and I agree with Mr. Sim on this point, to give all provinces the same decentralized set of powers that Quebec is demanding; besides which, Quebec would not go along with any plan to take everything that they are asking for and transfer it out to the remaining provinces. They would then lose any distinctiveness that they are seeking to acquire.

I think the rest of the country is deeply wedded to the principle of uniform treatment of provinces, and it is going to be a very uphill battle to convince the rest of Canadians that one province should have a special constitutional relationship with the national Government. I would remind Canadians that we have given Quebec, in some ways, distinctive administrative status in a variety of fields through opting out, through special immigration agreement, so it will be a further step, to put this in constitutional terms. I think the only way would be through some very effective national leadership and appealing to Canadians' patriotism at this time, in order to bring that about.

I think that, within the idea of special status for Quebec, we need to explore the potential for the use of concurrent powers or principle of paramountcy and delegation. I think we are forced to contemplate more complicated relationships than we have ever considered in the past. Yes, it will be messy and untidy. It will depart from the principle that revenues match responsibilities. There will be a lot of intermingling of decision-making functions and so on, and it will not be neat and tidy, but it may be the price of holding the country together. Even then, I think that the odds are not good that this country will stay together.

Finally, let me finish, Mr. Chairman, by making a couple of comments about how we move forward in terms of constitutional reform. There is tension today between executive federalism, First Ministers meeting behind closed doors and the growing demand for greater public participation. Almost all the emphasis recently has been on more open and participatory processes for constitutional renewal. I think we have, to some extent, lost sight of the virtues of executive federalism and the requirement for effective decision-making often to be done, at least initially, behind closed doors, that people cannot be asked to bargain in public and give ground out in the open before television cameras.

We should not delude ourselves, it seems to me as well, that open public hearings, like the kind that this task force is holding, are necessary activities involving spontaneous public participation. What you are often listening to are organized interest groups or shaggy academics with deep interest in some of these topics. To think that you are hearing average Canadians' views on constitutional questions, I think, is to stretch a point. The process is itself, to some extent, elitist in that sense.

At some point, decisions have to be reached. I am interested in the idea, I am attracted by the idea, of a constituent assembly, and my proposal would be that the delegates to that body would be drawn from provincial Legislatures and from the federal Parliament. They would produce proposals for constitutional change which would then go back to the individual Legislatures for a time-tabled debate of some kind, and eventually, they would move on to First Ministers' meetings.

I think, at some point, we have to get off the separate but parallel tracks of constitutional hearings and bring people together, including elected representatives within Legislatures, to talk to one another. Fox-Decent has to meet Belanger-Campeau at some point. I do not know how it is to be orchestrated, but once each of these hearings in the different provinces produce their own separate lists of proposals, there is bound to be some sense of rejection when you come to the final stages. We have to find some way to get people into the room together, talking to each other.

My final point, Mr. Chairman, is that there is great difficulty in my mind about how we sequence future stages in constitutional reform. If Meech became unmanageable because of the number of issues that came onto the table, imagine what we are involved with this time. Is there any way we can deal with Quebec's concerns, the West's concern of feeling excluded at the national level, the concerns of aboriginal people, the concerns of a whole series of groups that are identified as Charter groups in the Constitution and various other concerns all at once, in one or several sets of meetings? It seems to me heroic to presume that we can do that and frankly I just do not know any easy way out of that dilemma. It is a very, very difficult problem.

To go back to my original point, I think it is worth the effort, and I am sure that there are no guarantees. The stakes, it seems to me, are very, very high. We cannot dismantle this country and put it back together again. It is not like Humpty Dumpty. It cannot happen. If the break is confirmed, it will be very, very difficult, so the time to try is now, not allow Quebec to break out of Confederation, and then try and bring it back in. Thanks very much.

Mr. Chairman: Thank you very much, Professor Thomas. Questions?

Mr. Carr: Thank you, Mr. Chair. Professor Thomas, neither your appearance nor your ideas are shaggy. I would like to follow up for a minute on the model of asymmetrical federalism. You thought that might be an inevitable route that we would have to take, and you talk about a diminished role for Quebec Members of Parliament because the jurisdiction over which they had control would be diminished. How would that work? How would you have two classes of Members of Parliament?

Mr. Thomas: It would not work easily, and I do not think I have a full answer to your question, Mr. Carr. Certain votes, I guess, would be designated as, say, a vote on the future of the Canada Pension Plan, when Quebec was operating its own pension plan, Quebec M.P.s would be disqualified from voting on that. Certain committee studies, standing committees of the House of Commons that were studying culture and communications matters that related to the

Canada Council, the CBC, the CRTC, if Quebec is regulating broadcasting at this point, the M.P.s would not serve on that.

Likewise, the Senate, which does most of its best work, all of its good work really in committee system, Quebec senators would not serve in those forums. Yes, you would have two categories of Members of Parliament, and that would be difficult for Members of Parliament to accept to some extent.

When proposals were circulating in 1979-80 to reform the electoral system, to add M.P.s to the provinces, I remember the reaction of the Members of Parliament that I was in touch with saying, well, I do not want to be an M.P. for the whole province of Manitoba, I want to be an M.P. from a constituency. There was an even more modest proposal for two groups of M.P.s, so, yes, it would be difficult to convince people. Again, I do not think there are any easy solutions.

Mr. Carr: One more question, you think that it is likely in the national interest to loosen Party discipline by offering more opportunities for a free vote. Can you suggest criteria that would determine whether or not a vote be traditional in that the Party Whips would be on, or one that would be not traditional, and a free vote would be allowed?

* (1430)

Mr. Thomas: There is an excellent study done of the Confidence Convention by Senator Forsey and Graham Eglington which looks at this question. We have had a very strict definition of what is a confidence matter in the House of Commons. The Mulroney Government accepted the principle of the McGrath Committee that there should be more free votes, and in the first chance that it came up was a resolution by an Opposition Member suggesting that the National Parks' policy should earmark a certain percentage of land area in Canada for National Parks by the turn of the century. It seemed to be a relatively innocuous issue that everyone could agree upon and the Whips were put on, and it is partly our own fault.

I mean, we, the media and the public, see any break in Party ranks as an indication of weakness of political leadership, and so we have come to expect rather obedient Members of Parliament.

So I would say, apart from the throne speech, apart from the budget measures, that ordinary legislative measures, unless they go to the heart of the Government's electoral commitment at the last election, should be matters that are basically free votes. Technically they are free votes, but when Members participate in caucus there is an additional onus on them, of course, to adhere to the Party line, because they have had an opportunity to debate the matter in private.

You are not going to get a widespread cross-Party voting as a result of calling for free votes. The two Sessions of Parliament I surveyed, 98.6 percent Party cohesion, all Liberals voting with Liberals, all NDP, Conservatives and so on. In the two Sessions of Congress I looked at, it is about 60 percent, so we can loosen Party disciplines. It has happened in Great Britain. It is partly an attitudinal problem. It is less a procedural problem. It is a change in attitudes that needs to take place.

Mr. Chairman: Thank you.

Ms. Friesen: I look forward to seeing the written presentation. I think there are a lot of ideas in there that we would be able to use and perhaps develop. I was particularly interested in the idea that you had evidence for a move away in Canada from the limited identities perspective that we had from the 1960s onward to a greater attachment to the nation. I would be very interested in the ways in which that is expressed in the kind of surveys that you have seen.

I wanted to ask you a couple of questions. One was, you said that Party Caucuses work, that they work in bringing people together from across regions, but then you seemed to qualify that with a rather charismatic definition of Party Caucuses. They work without numbers when there is a strong Leader. Could you expand upon that a little, the limitations and advantages of that?

Mr. Thomas: Well, when I interviewed 35 Members of Parliament for this most recent study and asked Conservative Members of Parliament, including Cabinet Ministers, to tell me which were the strongest provincial caucuses in their national caucus, Alberta comes out first.

Now there are 26 Members of Parliament from Alberta, they are all Conservative, but what is important is that there are Mr. Mazankowski, Mr. Clark and Mr. Andre, and that they are a key decision-making position within Cabinet.

Ontario, with a very large caucus from Ontario, is fragmented in its outlook, and the Ontario Caucus does not dominate national caucus decision making.

The number of issues that divide us—when you ask Members of Parliament or senators to tell us, what are the issues that are divisive, they all repeat the same things over and over again. It is the CF-18 decision. It is the National Energy Program. It is the Crow rate debate. Those and perhaps official bilingual—well, Meech Lake, but Meech Lake is a special category of issue.

On all of those issues, if you examine them, the West, which is not a homogeneous political region, but the West was divided internally. I mean, to some extent we have ourselves to blame. We were in disagreement about all of those issues, so it was difficult for the West to take a common position into it.

In some cases, parts of the western community and Quebec were together in their thinking on those issues, so most of the issues that divide caucuses at the national level are not along regional lines. They are along ideological lines, and they are moral issues like abortion and so on. Those are the issues that are really deeply divisive within the caucus and sometimes leadership, especially when you are in Opposition.

Ms. Friesen: So I misunderstood you on charisma. It is the way in which the Prime Minister assigns power.

Mr. Thomas: No. I do not underestimate for a minute the skills of Mr. Mulroney in presiding over a caucus. Here is a Prime Minister, at an all-time low in popular opinion, has presided over this sprawling caucus with Quebec and western representatives, and apart from a few mavericks who have bolted and the Bloc Quebecois people, he has kept it intact.

People tell me he gets standing ovations still at the end of caucuses Wednesday mornings. He is a remarkable political negotiator, he flatters people, he cajoles them, he gets them to see what is in their best interests as he defines it.

Ms. Friesen: If, as you believe, Party Caucuses work in bringing together regional interests, which is one of the issues we are addressing, then I am not sure why you are so enthusiastic for a retention of a Senate whose main role you argue is in fact representing provinces.

Mr. Thomas: Because senators are regional representatives. They may not have democratic legitimacy, but they act as regional representatives. The influx of the new senators to get the GST passed has breathed new life into some more passive caucuses because you have some young people there.

This image of the Senate as a kind of old folks home, a bunch of decrepit people doing nothing, is simply a misleading negative stereotype. It is absolutely wrong. Senators do very valuable work for the most part, and undoubtedly there are some who are not as valuable as others. They are valuable people to have in caucus, they have a lot of political experience, they have a good sense of the communities they come from, and so the Senate is worth retaining.

You know, $36 million in a $160 billion Government operation? I mean let us keep a sense of proportion, but what we are paying for the Senate.

Ms. Friesen: That is a long debate. The last question I wanted to ask you was, you, I think, reluctantly are coming to a position of agreeing with asymmetrical federalism. Under those conditions, have you thought beyond that to ways in which aboriginal rights and the rights of minorities—I am thinking particularly the Anglophone minority in Quebec and the Francophone minorities outside of Quebec—are to be protected?

Mr. Thomas: I really have not, and I should not try to improvise an answer to what is a serious question. I will think some more about it and try to include something in my notes to the committee.

Ms. Friesen: Thank you.

Mr. Chairman: May I just ask one of you—I have not heard the bell yet Paul, so I should take advantage. Again, you may not have thought of this, and you have already shared with us the daunting challenge of a mechanism to keep the country together.

When you look at asymmetrical federalism, do you contemplate the possibility that British Columbia may ask for almost as much as Quebec? Are we then to become a "have less" dependent on British Columbia in some kind of restructuring of the country where regionalism becomes dominant, and there is not enough central power for any kind of meaningful national programs to be maintained?

I guess I am reflecting some real concern about what asymmetrical federalism does to the ability of a central Government to provide effective and meaningful programming across a span of geography and across political divides, and, of course, as you would know very well, as a have-less we have been so dependent on that kind of financing. Can you share with us a bit? I mean, I have a bit of a sense of desolation, I guess, about what we open by way of possibilities when we get into asymmetrical federalism, much as I see it as a possible, if perhaps a too-easy-on-the-surface solution to the problem.

Mr. Thomas: I agree with you that it has come out more and more with panacea-like qualities, and I do not underestimate the difficulty of expressing it in more operational terms and preserving a significant role for the national Government. You know from past conversations we have had, I am a devout believer in shared-cost programs.

My opposition to Meech Lake initially was moderate, but it was based mainly on the spending power provision which, it seemed to me, would have been the death knell or almost the death knell of shared-cost programs, and they have been the vehicles for significant social and economic progress in this country.

I do not wish to cripple the national Government financially. On the other hand, if we say that what Quebec wants, everyone else is entitled to, then you have left the national Government with national defence and the post office, and almost little else. The links between the national Government and the average citizen in this country would be so minimal and so tenuous that there would be no reason to have any identification with the national Government. So we cannot go that far.

Now, convince the more affluent provinces, the more independent-minded provinces that they should live within the—in a relationship in which Ottawa has more influence over their internal affairs than they would like, is again going to be very, very difficult. Presumably, there are limits to how much diversity you can build into an asymmetrical model before it, as you say, simply erodes any significant role for the federal Government. So there is a tremendous amount of work to be done there.

That is why I threw in the line about concurrent powers, and that is an idea that I do not think has had enough exploration, and I threw it out as a sort of life preserver. I do not throw it out having thought, you know, extensively about it, but I think that we have got to look for some way to not indulge too much in the demands of these strong provinces who insist that we take all powers away from the federal Government. I think it would be wrong to follow the thinking that is contained in that document that was produced at Lethbridge on the new fiscal realities. That may suit the interests of Alberta and British Columbia. It does not represent Manitoba's long-term interests.

Mr. Chairman: Thank you very much, Professor Thomas. We would be glad to have your written views either holus-bolus or piecemeal, whichever, and I think you have an address.

Our next presenter is the Choices Coalition for Social Justice, and I would ask Miss Shirley Lord if she would present, please, on behalf of the group. This is from the Economics Department of the University of Manitoba.

Ms. Shirley Lord (Choices Coalition for Social Justice): No. That was when John—

Mr. Chairman: Or no, I have got the—that was when John Loxley was doing the presentation. I am sorry. It is the Choices Coalition for Social Justice, and Ms. Shirley Lord is the spokesperson. If I could just ask your indulgence for a moment, Ms. Lord.

* (1440)

The next presenter will be Mr. Breckman. We have been doing some topsy-turvy here with the order of presentations this afternoon to accommodate people who have to leave. So Mr. Breckman will be next. Good day.

Ms. Lord: Mr. Chairperson and Members of the task force, I am happy to have the opportunity to make this presentation on behalf of the Coalition for Social Justice. I am going to begin my presentation with a brief description of what the coalition is, because it is just a new coalition that has been established in the last month and a half, but thanks to our social and economic conditions in this province, it is one of the fastest growing groups in the city of Winnipeg.

Our organization is a broad-based coalition of organizations and individuals who are committed to ensuring through social action that the services that make our community a special place to live are maintained. Our goals include: Wanting Winnipeg to remain a good place to live, to work, to raise a family and to invest; ensuring that our tax system is fair and equitable; wanting our politicians making expenditure choices that are intelligent and mindful of our quality of life; we want senior levels of Government to stop off-loading on local Governments; we want full employment to be the fundamental objective of our community's approach to economic growth; and finally, we want a city where the poorest in our community can count on improving their quality of life rather than facing cutbacks in the opportunities available to them.

Choice's major concern is that the constitutional process recognize that the economic and social standing of the aboriginal people are closely linked to the constitutional process. We are here to support constitutional justice for aboriginal peoples as the first priority of constitutional change. Constitutional justice includes these six principles: The recognition of aboriginal peoples as the fundamental and original characteristic of Canada; the recognition of aboriginal peoples as distinct societies with protection for aboriginal languages, cultures, traditions and institutions; the recognition and protection of the inherent right of self-government of aboriginal peoples; the recognition and protection of our right of aboriginal title; the fulfillment of all treaties including the land claim agreements signed between the aboriginal peoples and the non-aboriginal Governments; the right of aboriginal people to participate as equals in the process of constitutional change.

If aboriginal self-government is to be meaningful, successful and enduring as it must be, if the condition of aboriginal peoples is to improve to the levels they desire, then the financing of that Government must be adequate and secure. In terms of adequacy, Choices envisions a massive ameliorative program of economic, social and cultural development to help remedy the shockingly neglectful and damaging treatment the aboriginal peoples have endured in the past. Nothing less than a comprehensive frontal assault on aboriginal poverty should be encouraged, not tolerated by the people of Canada.

Choices believes that this is the only way to put an end to the disgraceful cycle of poverty and abuse.

At the same time, existing programs must be enshrined and funded to adequate levels. In terms of security, aboriginal self-government institutions must not be financed at the whim of Governments. For too long aboriginal peoples and their meagre Government programs have been treated like political footballs in the budgetary process.

Choices believes that if social justice is to prevail in the creation of aboriginal self-government, then levels of funding must be guaranteed with a formula establishing not only the size of the amelioration fund, but also a minimum level of funding for program maintenance and development being written into the Constitution. In this way, transfers of finances from other levels of Government can be relied upon by aboriginal Governments. They will then have the ability to plan their activities, to develop their programs and their expertise, to provide long-term jobs and high levels of reliable services.

In short, they will have the ability to make the kind of choices required to ensure their people social justice. They will have the ability to make the kind of choices that the rest of society is in a position to exercise. Aboriginal peoples and Canada as a whole should settle for nothing less. Thank you.

Mr. Chairman: Thank you very much, Ms. Lord. Any questions? Ms. Friesen.

Ms. Friesen: Thank you. I am interested in on page 2, one of your recommendations is that the minimal level of funding for program maintenance and development be written into the Constitution. Could you be more specific for us, where in the Constitution? Also, are you thinking in terms of proportions of federal-provincial funding, or are you thinking of something that is related to the cost of living? Could you expand upon it?

Ms. Lord: It is not an issue that we have dealt with in depth to come back with a specific. It is something for discussion about how that might be done.

Ms. Friesen: Okay. So you are looking for a variety of solutions on that.

Ms. Lord: The important thing is to find a mechanism that would guarantee levels of funding.

Ms. Friesen: Okay.

Mr. Chairman: Thank you again, Ms. Lord. Mr. Breckman. Good afternoon, Mr. Breckman.

Mr. Kris Breckman (Private Citizen): Thank you. I appreciate the opportunity, Mr. Chairman and Members of the panel, to present some ideas to you today. I have to start with a couple of apologies based mostly on the fact that this is hitting me at a time when I had a pretty busy personal schedule, so I apologize that I do not have a written copy of my presentation. Also, those time factors meant that it was impossible for us to meet with the Social Action Committee of the Unitarian Church to work out a brief. So the presentation today is on my own behalf, rather than on behalf of the Unitarian Church.

Now I thought what I would like to do is to start by listing several principles or issues that I believe are important, and then in the main part of my presentation I will try to elaborate on some aspects of each of these issues.

The first point—and I want to state this very clearly—is that I am a very committed federalist. I believe that a principal point is that Canada must have a strong federal Government capable of assuring that the interests of all Canadians are served in a fair and equitable way.

Secondly, I believe that it is necessary for us to state or indicate the significance that we give to the concept of Canada as a nation.

Thirdly, I believe that Quebec should have constitutional protection regarding language and culture.

Fourthly, I believe it is necessary to have political representation by population and by regional interests, and I will talk about the Senate proposals in that regard.

Also, it is necessary to have some form of political accountability.

Sixth, in a modern democracy it is necessary to involve citizens in the decision making process. I think we are almost reaching the point where we should be embodying that principle in our Constitution.

In the seventh point, I believe that it is necessary to strengthen Parliament and to define the role of Cabinet in relation to Parliament.

* (1450)

The eighth point, and it relates very much to the last presentation: We must deal with issues related to the rights of aboriginal people. I will not be discussing that item in any detail. I believe we have a lot of good spokespeople on that point, but I do want to indicate that I support those efforts to deal with aboriginal issues.

To come back then to the first point in terms of a strong federal Government, quite frankly I believe that the present division of powers is quite appropriate. In my view, when our provincial politicians have been out trying to extend their powers, I have usually seen it as an effort of a provincial Government to work to achieving powers that are really not in the interests of Canadians as a whole. I would give as some examples, for instance, the opposition of the oil producing provinces to the National Energy Policy, and the net result of a Government that caved in to that particular provincial demand is the fact that today when energy is one of the most critical issues that a nation can face, we in effect have no National Energy Policy in this country.

I think we could say the same thing about environmental issues. Often this is a key point of provincial concern. When we think about how provincial Governments are pressured and compete for business, I can easily see how provinces are prepared to sacrifice environmental standards for their own interest. I believe that those kinds of issues must be dealt with from a federal perspective.

We could say the same thing about cost-shared services and go on with several examples, but the point that I am making, Members of the panel, is that I believe that the present division of powers is appropriate. Now I know that we often hear that Canada is not working any more, and quite frankly I have not really seen the demonstration of the ways in which Canada is not working. I really feel that there is an onus on those people who claim that our country is failing, to try and point out just precisely how it is failing, because if we try to make cures without understanding what the problem was, chances are pretty good that we really will not address the fundamental issues.

I conclude this part by saying that I really believe that the present division of powers is an appropriate one, and it is rather fascinating to think that division of powers that was concocted over a hundred years ago at least in my mind is still so relevant.

Now that brings me to the second point, and this is the point that we really have to start to contemplate. What do we really mean by Canada as a nation? As far as I can see from studying our Constitution there is absolutely nothing in our Constitution that talks about or addresses the idea of the separation of any part of our country. I think that we can assume that the founding fathers of this country just did not consider the breakup of the nation as one of the options. In fact, as I think about this, the only reference that I can find in our Constitution really enforces the role of the federal Government. This is in terms of the peace order and good Government clauses in the Constitution, which in effect give sweeping and exclusive power to the federal Government to deal with national issues and, in effect, to preserve the nation presumably from threats from without but also threats from within.

I really believe that we have to be addressing this question. A few years ago, I suppose we would not have thought it was necessary, but we have to ask ourselves the question, what do we really mean by the integrity of Canada as a national state? Is it in an area of geography that in effect belongs to the totality of Canada, or whether it belongs to the sub-parts of the provinces. It is one thing to talk about the possible separation of Quebec, but if that were to happen, it would certainly be a principle that would be established so that, if the going got rough and the

Maritime Provinces thought that their future could be better served with a union with the United States or some form of separation, you can see how there could be very much of a chipping away at the basic elements of our country.

Now, I want to pursue this issue of separation just a little bit further. Quite frankly, I guess I am idealistic enough to say, or naive enough or whatever, that I would really prefer not to even talk about separatism. I would rather think about the optimistic things that we can do to build unity in this country, but since there is so much talk about separation, I think we have to look at this a little bit realistically. If I try to focus on this and try to say, if there is no basis in our Constitution that allows for separation, on what possible basis could Quebec separate? The only basis that I can think of is that they might be able to, in effect, define themselves as a defacto nation and appeal to international concepts of the rights of cultural groups to self-determination and use that as a basis for some form of separation. I think that we ought to sort of let it be known that, if the game is going to be played in that way, it will be played in fairly strict terms.

I do not know if you gentlemen and ladies are familiar with this particular concept, but I want to just get it into the record from my own perspective. I am basing this on the idea of the only real claim that Quebec could have to separation would be on the basis of some form of self-determination for a culturally identifiable group.

Now there was a study done by William Shaw and Lionel Albert some decade ago, and in this, they were pointing out the fact that Quebec really would have no valid claim to the area that was Rupert's Land. I want to just read a little excerpt from that article: An independent Quebec would have no valid legal, cultural or historical claim to what was once Rupert's Land, an area comprising the northern two-thirds of the province's land mass.

Rupert's Land was a British territory never settled by the French. It was ceded to Canada, not to Quebec, by Britain in 1868 under the Rupert's Land Act, which stated that such surrender, the terms and conditions on which Rupert's Land shall be admitted into and become part of the Dominion of Canada. Now sovereignty over Rupert's Land was given to Canada, and then later on, it was suggested, if the marriage were dissolved, the territory of Rupert's Land, if it had to be taken away from Canada would, if anything, logically revert back to Great Britain and not to the departing son-in-law, to use that analogy.

I think that is something to take a very close look at in terms of the concept that if Canada is viewed as an entity that is divisible, then there is absolutely nothing sacred about Quebec and it too could be divisible. Just as you could look at claims that would say that the whole northern section of Quebec is really a part of Canada, so you could question the whole concept of the eastern townships, which were largely settled by United Empire Loyalists, and go on and strengthen the case.

I am not saying that to be bitter or vindictive to my French-Canadian friends, but I really believe that it would be irresponsible on our part to sort of glibly accept the idea that if Quebec wants to separate, we will let them separate.

I do not know if you read the article in the paper this morning in which a Tory M.P. from Quebec was being quoted. This is precisely what she said: If this is what Quebec wants, I see we have no other alternative but to give it to them. If that is the kind of attitude we have in our federal Government, which is supposed to have the responsibility to protect the nation and to preserve it, I think we are in very deep trouble.

I want to move on to the next point, and I want to talk about the Senate. I remember when I presented briefs to both the Meech Lake hearings and then to the Charest Commission, and at that point I really said I had not decided about the Senate. Then after the fiasco of recruiting additional Members to the Senate, I was quite prepared to simply say, scrap the whole thing. It is a meaningless sort of exercise and, obviously, just a token sort of political gesture.

As I really get serious today thinking about it, I still believe that we need a Senate. I accept part of the three-E concept. I believe that the Senate should be elected. I believe that the concept of equalization, as is being currently advocated, is unrealistic in our country. I do believe that the present Senate was really set up on a pretty good basis. If we can think about equalization of regions rather than equal representation by province, I think this could be a rather meaningful approach. So I would support that particular point of view.

Then it seems to me that you could have an extended sort of range of powers for the Senate that would bring in some of the American concepts of balance of powers, so that in effect it does become a sort of a meaningful operation in relation to the House of Commons.

I am going to talk in a few minutes about what I see as a problem in terms of strengthening the role of Parliament. I am going to make another suggestion then about a role that the Senate might play in terms of dealing with that issue.

Next I want to talk about the different forms of political accountability. In terms of political accountability, it is rather too interesting to note what happens in most elections. I am not a political scientist like Dr. Thomas—how much time is that?

Floor Comment: Five minutes left.

Mr. Breckman: Five minutes left. Okay, thanks I appreciate—five minutes left did you say?

Floor Comment: Yes, five minutes.

Mr. Breckman: Okay, I will move along as quickly as I can.

When elections are held, new Parties seem to get into power more because people are reacting negatively to the Party that was in power rather than in terms of supporting the program that a new Party may offer. At least, that is my perception of things.

* (1500)

Yet a Party comes in with this feeling that they have a mandate in which they can impose certain things upon the population. Often that mandate is very poorly defined and so on.

It seems to me that we might—and it is interesting also to remember that there is nothing in our Constitution that even makes reference to political Parties and the role that they play. I think that it is time we maybe faced that reality and tried to make that system work a little bit more realistically.

The suggestion I have to make is that rather than having political Parties follow a process of dishing out little tidbits of their program day by day as the election campaign advances, political Parties should be required to file a mandate that would describe the program they intend to implement over their four years in office. I suppose it could be a four-year variation of the Soviet five-year plan, but at least it would let people know what they are expecting.

Then it seems to me that in addition for the Senate to play a role in addition to being the serious second thought of looking at legislation and representing regional interests, you might have the Senate play a role in monitoring that in dealing with that mandate, so that if issues come up before the Senate that are clearly a part of the mandate, then the Senate would not be able to scuttle that kind of legislation. They could send it back to the House for review and so on, under somewhat the same kind of provisions as we have now. For issues that fall outside the mandate, then the Senate would provide an opportunity for a broader public base of opinion and regional opinion to react to this.

I think that it would be possible to work in provisions where the Senate would have additional powers in that regard. If there is a conflict with respect to whether something is actually within the mandate, then it would seem to me the courts could help to rule on that. Now, I realize that a Constitution has to spell out in very general kinds of ways the way in which a Government will operate, but I do believe that we need to work for more political accountability.

I want to just close by speaking briefly—and I am going to drop a couple of points here—about the role of Parliament. I really believe that the role of Parliament as an institution has really dropped in importance. I am not sure about that maybe from a historical point of view, but I really believe that our Prime Minister, elected as a result of a national campaign, takes on the stature of a President. With the media attention that is focused on the Prime Minister and so on we really, in effect, have a Government that is very centred on one person.

Now, I think when you look at both the Cabinets of Trudeau and Mulroney and see that it is not only just centred on the Cabinet, but centred on a very narrow group within the Cabinet, and whereas many of the people in western Canada complain about the centralization of Government in Ottawa, I am concerned about the centralization of power within the federal Government. I would like to see things done that would help to make the Parliament a more functional group. In particular, I would like to see the concept of Party discipline reduced. I would like to see more in the way of free votes and support that kind of concept.

I think I must be just about out of time now, Mr. Chairman. So let me just summarize then by simply saying that I believe there are a number of basic principles here that, hopefully, would give a little additional fodder to the mill that you are working through.

Mr. Chairman: Thank you very much, Mr. Breckman. Questions?

Ms. Friesen: Thank you. I take your point about the importance of federal institutions and the attachment that Canadians have to those, but I was curious about your position on the Senate. I think the underlying assumption was you felt there needed to be a balance to the power of the elected House of Commons. I wonder if you could elaborate on that? Whose interest would that balance serve? Why do you see a focus upon that need for a check and a balance?

Mr. Breckman: If you have some concerns about the American system, it is a—you almost hate to use the expression—balance of power, but yet, in a sense, I think we need to move into thinking in that realm. I tie that in with what I was talking about in terms of a mandate. I really think you build political accountability through a clear definition of a mandate.

For example, if you can think about the issues that arise within the House of Commons as being issues that are sort of tied into the legislative program that the Government is trying to introduce, then I would say that the role of the Senate in relation to that kind of legislation would be pretty much as it is now. They can send it back with recommendations for change and the same provisions for passing it.

Now, for legislation that falls outside of the mandate, the kinds of things that Government will bring in that really can create, you know, arouse the ire of people across the nation, here it seems to me you could have a balance of power that would say that if legislation is turned down by the Senate, then for that legislation to take effect, it would take a larger percentage of support to get through in the House. There might be a balance that would in effect work that way. That would be kind of meaningless of course if a Party had a very large majority and Party discipline was strong.

Ms. Friesen: Part of this balance then is really based upon a narrowing of the role of the House of Commons?

Mr. Breckman: Well, I do not really see it as a narrowing of the role. In fact, I want to see the House of Commons play a far more profound part. For example, it was really rather interesting, if I could just give a little illustration here, when the issue of war—Canada becoming involved in the war in the Persian Gulf, there was the controversy, does the Cabinet in fact have the power to declare war? Mr. Clark said, yes they did. Members of the Opposition said, no they did not. I think Mr. Clark was right, but I really think it is kind of a sad situation if a Cabinet can move the Canadian nation into something so dramatic without having it go through our parliamentary processes.

I really do not see it as—I really want to see the role of Parliament strengthened and especially the role that individuals play within that. On the other hand, I think we need to have some checks in there as well, and I think that using the concept of a mandate that this could in effect be a—I realize that I have not even had a chance to bounce this idea off my colleagues, and I am throwing it out to you for consideration, but knowing that sometimes from an initial thought, ideas are spawned and honed and maybe something worthwhile can come of it.

Ms. Friesen: So it is a narrowing of the role of Cabinet and Government rather than a narrowing of the Commons?

Mr. Breckman: Precisely.

Mr. Chairman: Thank you very much, Mr. Breckman. We are going to take a short break now, ladies and gentlemen. When we come back we will resume our presentations with Mr. Gallop. Is Mr. Gallop here? You will be first after our break, sir. Thank you.

* * *

The hearing took recess at 3:07 p.m.

After Recess

The hearing resumed at 3:26 p.m.

Mr. Chairman: We are resuming our hearing this afternoon now, ladies and gentlemen, and Mr. R. A. Gallop is the presenter.

Mr. R. A. Gallop (Private Citizen): I am very honoured to be able to say a few words this afternoon about some very serious issues which underpin all our constitutional and other social obligations.

I would like to go back a little to the foundations of our civilization to show us where we have gone wrong, particularly in the last hundred years, and now we are getting the consequences of all our investments in erroneous ideas and habits, which are now giving us our almost insoluble cancerous problems.

All things that exist come into time from the process of having a private conception of an idea in a mind to a decision somehow to publish it through matter with time. That is the way everything comes into existence; otherwise, it is private ideas. Of course, there are billions of those, and no one but the person involved and God knows about those. This is the process whereby things happen. We decide to publish some of our ideas by putting them in a VCR slide or a slide projector, whatever it might be. We push them forward with the power of our minds, and we govern the power of the total energy put through by the power of our will.

You can see the back-up systems here which are backing us up from supplying an internal projection zone to see where we are and what we want to publish. The private screenings of our ideas are done inside. The public screenings come out through our actions. Of course, you see the cases today of extreme cases like we have the situation in the Middle East now whereby we have people with fanatical will, with quite a lot in their minds, but most of it is wrong. This is not on one side either by the way. We are not very much better in many ways than the opponents we have.

We have all come through the same historical hundred years, and we have largely adopted the same errors in thinking. As the ideas go forth with the power of this on the time axis, you have them coming into focus with time like a lens or a piece of paper in front of a projector and at the certain time in history they come into time. Here you have it here, they come into time here, the temporal things hit the temporal screen, the material screen. You see the effects in society at that time and place.

The deeper things like an X-ray down at the hospital, a gamma ray, will go right through the bones and come out in eternity. The deep ideas, the transcendent ideas, the immaterial ideas, decisions of our emotions, the decisions of our will in relation to our mind and our moral values and spiritual objectives—they all come out and create what we call history in this phase and this is eternal record which is the long-term thing. That process applies everywhere, and there is no way anything can come into time unless you use that process.

All knowledge is arranged scientifically in the hierarchical form like a projection of that notion just on the side axis. It is the same thing. This is the way being is. A lot of stuff, some of it has the power of nourished grown generation; some has the power of the animal to move about and have senses and to make signals. Then you have the power of the human to understand and decide . . . .

On top of that, then we have the power of the angelic order, which is brains without bodies that think. Headed toward that is the Creator at the top who has it all, with no body but everything that subsequently is reflected, part of His being down there.

* (1530)

This is the order of the analogist coming the same way. You have all the stuff which is the big bang. Then you have the ordering of it into the groupings; then you have the life; then you have the new science of life; then you have the chemistry of all things; then you have the physics of all chemistry and the mass of all physics right up to science of reason, metaphysics, natural laws and reason. Then, of course, what we conceive about the Creator might be as here, and the final, what He says about Himself which is very little, is at top. That is the way all of knowledge is, and that is the way all of being is. So we go from the solely dependent, material, temporal things to the totally independent spiritual things, spiritual beings. Of course, this is extensive and divisive, and this is intensive and concentrated and united and, of course, the singular is here and the universal is here.

Right? So far as humans do not follow that scheme, they must create disorder in the sense of if you dial a phone or any other thing wrong in any one respect, any number wrong in the wrong place or left out or transposed or extra numbers added, it is always a dead call. There is no fooling about with creation. This is the way in which . . . . This is how the replay has reached the hour of creation—

Mr. Chairman: That is upside down, sir.

Mr. Gallop: This is the VCR of creation in which at zero time, when you wind it back with the rewind on your machine, you have all of the being in a VCR tape that is made and edited before publication. That is the zero time before the big bang.

The first thing that had to be created was to make an equation of time itself to control, regulate and record all these processes. Then, of course, you see the mathematics is the eternal thing. Physics is second level of two levels of mass. Physical chemistry and chemistry organic are three levels of mass. Biochemistry is apparent life, mass added, apparent—here you have homeless of life, homes of individuality here, down here for . . . beside. All those things are being infused down this way more and more as you go to quality with declining sizes, greater emphasis and greater importance.

Then, of course, that is where we come from. Their bodies come this way, go back that way; that person would come that way and go back that way. That is the crisis of our society and with the truth about nature which we refused to follow for the last 100 years.

Canada is in tragic, disintegrated chaos, mostly as a result of predictable consequences of the false and often pernicious ideas which have been predominately taught and adopted for the last 100 years, at least. These have become the working premises of our personal lives and of our public bodies right from the Supreme Court down.

Practically all our problems and all our efforts to solve them only seem to get worse. Patching over symptoms, placebos, using inappropriate tools, the wrong places and times, distracting our people from the issues and so on, can never work even if we spend ourselves into bankruptcy, as we have almost done, in vainly trying to do the impossible by using the wrong policies. We must look at the deeper issues behind our culture, if we want to find any possible solutions to our present dilemmas.

Practically all of the values and habits which we built our society on until the last 100 years were brought down through the last 3,000 years based on the Grecian respect for reason, the Roman respect for law and competence, the Judaic respect for history and for perseverance and long-term foresight, and the Christian view of the utter importance of the human person, and, of course, the duty then to see that society was built in such a way as far as we could to optimize the opportunities for the human person to meet the noble destiny for which they have been created.

You will see from this big figure here, where we come from, humans come this way bodily by transmission of precreated life, and each of us only comes into existence as a person when the Creator lights a conceptus, picks it out, knows its body, decodes it, knows what it will do in body and pours Himself in a unique way into it to give us our personhood to make us what we are, noble, priceless beings, the sons and daughters of the Creator and the temple of human foster care. That is the basis of our culture. Insofar as we deny any of that, we torpedo our own system, and we say good-bye to all the benefits that we would otherwise have retained.

For about 700, 800 years, we were increasingly trying to apply that concept, and then of course since then we have gotten a little smart and we thought we knew better. For instance, last century because we found out about the great diversity of creation here and that in this area from here to here there was a law called natural selection, which is a marvellous way of creating things with robotization with nobody in attendance doing all the work. We wish we could do it today in some of our factories, and this, of course, is an evolutionary area which is marvellous programming. It is not an accident; it is a most brilliant piece of science; and, of course, it is a perfectly unanswerable argument for the existence of a scientific Creator. Of course, the existence of mathematics, all this in mathematical terms existed at zero time in the mind of a person who did not have a body.

You see where we are coming from as the concept which drives us. If we do not understand that, and go back to the fact that we have solemn, spiritual, intellectual, moral, psychological, social and personal obligations as the condition of any rights that we claim, of course we will not sustain our society for long. All our western countries now are in suicide at different rates. Quebec leads the way, as you will see very shortly.

We have to realize that true rights are not man-made. They cannot be, and all this talk of human rights and humans making up rights is ridiculous. The rights we have are collateral to the responsibilities we accept when we accept the job of managing creation as well as we can on behalf of the Creator. That is the job assignment that humans accept and the degrees of freedom which we get with that—the rightful collateral degrees of freedom which we need to make our managerial decisions as to how we shall do things well within the time and place.

We are not allowed to do as we like, as we have been taught. We are supposed to choose to do what we should do and take the consequences. Now, of course, we are being swamped by the logarithmic consequences in our society of the linear follies over time that we have chosen, and we have more problems than we can understand or control to create more demands for knowledge, virtue, skill, remedial efforts, co-operative good will, time and money, than we can possibly attain from our depleted stocks of these essentials now.

By overemphasizing for about a century the worthless popular opinions in the tradition of supposedly enlightened secular humanist liberalism instead of unpopular facts and true principles, we have made a babel of unparalleled cacophony that has made genuine intellectual converse in public, including in universities where it should be dominant, almost impossible.

The prerequisites of it have largely been destroyed. This is the basis of most of your arguments in this country. It is not that we do not want to be helpful to each other, but we cannot talk to each other in sensible, agreed terms and principles. We do not have the same basis. We do not have the same premises. Of course, it is the Middle East situation coming to Canada, endless arguments about things that really should not be argued about. They should be obvious; they should be co-operatively worked upon and dealt with, without argument.

We have a very great difficulty in ever getting agreement now on anything important, because we have total disagreement, almost, on the essentials of our culture. Of course, we cannot be self-sufficient. The notion that humans are only animals, the notion that humans are self-sufficient, can do without God and do without each other, of course, is ridiculous. Every being depends on the sun in this world, let alone anything more complicated like having to have one's help from each other.

Like a blinded Samson, we have mostly chosen to deny and actively oppose the series of unique ideas and values which underpin our civilization. We replace, for instance, our own aborted children with people who have usually opposite ideas to those our children would have carried into history.

We are not only turning our society over at the greatest rate in history; there is no society that can withstand the hemorrhage of abortion today. It is an industry of 80,000 a year in Canada. That is 10 times the annual World War II casualty rates, and, of course, it is 35 times the annual casualty rates self-induced on our own young in Canada that we condemn in South Africa in the civil disturbances.

What hope do we have of any moral credence in the world if we act like that? We have—and the highest authority in the land is happy to approve that.

All our human cultures go through a birth, growth, maturity, senescence, and death cycle with time. Our culture is in a very serious state right now, and we must go back much deeper than most of us think.

* (1540)

The human culture aspects of our culture are very transitory, as every other culture is, but our culture is absolutely unique. It is the only one which has been founded by the Creator in disguise. I will show you that. If you can carry on from this one to this one, you will see the difference.

This is why we have the unique culture in the world. We have the one which alone has come up with the notion that people are important, that humans must love and care for each other. Then they must even love their enemies. That is the most incredible notion in history.

It was only developed on the first Christmas night when the Creator completed the series of incompleteness, tipping Himself over like this into human terms, into creation. He came out to ask a young lady if she would be willing to let Him conceive Himself in her as a biological mother, and then we got the first Christmas night.

That is the official proclamation of our civilization, this last stage of development. It came on the first Christmas night. That is why we alone have a genuine basis for respect of human rights and why we must never betray that, as we are doing.

Led by Quebec, using several shallow alibis, most Canadians have largely abandoned the theological and the philosophical and the practical ideas and values upon which our nation was founded. These are the only ones that can sustain and improve our societies, and so we have to go back and refurbish those if we are ever to have a chance of even staying still, let alone improving our societies. We are running out of spiritual, intellectual, moral gas. We have not got it to solve our problems. So we can fool around all we like, make a lot of fuss, but it will not solve anything unless we go back to the spiritual, intellectual and moral rational basis of our culture.

Of course, we have mistaken liberty for licence, and so we have a record amount of tragedies today. For instance, we have our own courts approving the unlimited distribution virtually of all these take-home courses in human depravity which you can get at the corner store, or rent them or buy them, and take them home and study them and do the lecture part of the course at home. Then, of course, you have to go out and look for the lab part of it and find some victims to practise on. That is why human violence is going pandemic. We are schooling people in degradation and violence in their youngest years, never as before in history. We wonder why we have uncontrolled crime. It is because we are making it by choice.

Mr. Chairman: That is the end of your allotted time, sir. I am sorry to call you to order. -(interjection)- We gave you a bell at five minutes before. -(interjection)- It is all right.

Are there any questions?

I just have one, sir. Is there a name for this body of knowledge that you have been sharing with us? Does it fall under—

Mr. Gallop: No. This is my own synthesis over 50 years as a scientist.

Mr. Chairman: I see.

Mr. Gallop: I am putting it towards a publication now. This is how it is and how it has to be, or else we fail.

Mr. Chairman: Thank you very much.

The next presenter is Mr. Patrick Riley. Good day, Mr. Riley.

Mr. Patrick Riley (Private Citizen): Good afternoon. Thank you very much for the opportunity of speaking to the task force. I am speaking as a private citizen, and I understand the question that the task force is really addressing is what kind of contribution Manitoba should make to the national constitutional debate.

I would like to speak about three topics, Native peoples, western Canada and Quebec. I would like to speak to them in that order, particularly because I think that the Native people have a very genuine reason for feeling they have been left out and made to sit at the back of the line in constitutional discussions. I do not have a lot to say about Native people. It is not really one of my own areas of study or expertise, but I do have some feelings about it I would like to share with you.

I do feel that our Native people should be granted further constitutional recognition as a founding people. It may just be a gesture; it may not put bread on anybody's table. It may not provide the decent housing they need, but I do think it is necessary as a gesture of appreciation for their contribution to Canada. I think it would have some importance emotionally in contributing to the growth of pride, self-esteem and self-confidence, which, I think, is so necessary for our Native people to become full participants in our society and to overcome the problems that we brought with us when we invaded this country.

I also think we should entrench the degree of self-government in the Constitution for Native people. I am not sure really—I have not followed enough in detail what actually the Native leaders are asking when they say self-government. I mean, my understanding is there is a considerable amount of self-government on the reserves now.

I think there is probably too much interference by Indian Affairs, but I would like to see autonomy and responsibility that goes with it given to Native people. I have to say in the end I think they have to remain subject to laws of general application except for the hunting and fishing exceptions that have been recognized by law. I do not think, for example, we can have a separate Criminal Code for the Native people of Canada, but I do think they have to be given more control over their own lives and more responsibility of their own lives.

I personally see the Native people's problem as an economic one more than a constitutional one. I do not really think that tinkering with the Constitution is going to, as I said earlier, put bread on their tables or proper housing for them, or deal with the other serious problems they have.

I think we have to settle the land claims and get them on a sound economic footing perhaps as a result of doing that. I think we have to promote economic development for Native people. I think we have to encourage education and job training and entrepreneurship for Native people.

They are a tremendous resource for Manitoba, in my view, Manitoba's Native people, and they should not be looked on as a liability as they are presently, I think, in a lot of circles. My own preference would be to do away with the Indian Act. I would not force that upon any band that did not want it, but I think it is a hindrance for the Native people.

I will just say one other thing, and that is I do not think that the cause of Native rights will be helped if Quebec separates. My own feeling is I do not sense as much of a sense of responsibility for Native rights in Quebec as perhaps is felt in the rest of the country or at the federal level.

I do not think that the federal attention to Native rights has been sufficient, but I am worried about Oka and some of the reactions that I saw on television secondhand. I am worried about the fate of Canada's Native people in the hands of an independent Quebec. I do not know whether it is fair to say they treat them more harshly or not, but I am not sure they are going to get better treatment out of an independent Quebec. There are all sorts of legal arguments about whether a new Quebec Government would be bound by all the same treaty rights that we are. That is really the submission I have on the question of the Native peoples.

On the question of western Canada, I have a great deal of difficulty with that monolithic term "western Canada," frankly. I do not see Manitoba and Saskatchewan particularly having identical interests with British Columbia and Alberta. I do not say that we are markedly different in culture and everything else, but economically again we are. They make indirect equalization payments to us through the federal Government.

I see the Triple-E Senate as an Alberta device to limit the power of the federal Government. I have spoken to some of the people who were involved, and they say we do not want another National Energy Policy. Now maybe nobody wants another National Energy Policy, but the concept of a national program in the national interest which may call upon some of the more wealthy or fortunate provinces to subsidize the less fortunate and less wealthy provinces is one of the concepts behind the National Energy Policy.

Now you could argue it was to save Ontario the cost of oil, but certainly the people I have talked to who are behind the Triple-E movement want to use the Triple-E Senate to limit the federal Government's power. I do not see that as being in Manitoba's interest. I think we do depend on a strong federal Government, and will, unfortunately, have to depend on a strong federal Government in the future. I just do not see that a Triple-E Senate filled with provincial rights exponents will be positive for Manitoba. As it is, we have more senators than we are entitled to by population.

I basically do not see that things are that bad constitutionally for Manitoba. I think that we have suffered some economic discrimination from the federal Government, but I do not see how you can actually stop that constitutionally in any workable way.

Now, maybe if we had equal power and we were in the Senate demanding Manitoba rights, possibly that might result, but I do not see there will be the national programs you want. We will maybe get a fair share of the procurement, but the federal Government will not be buying as much because they will be cutting down on what the federal Government does.

I am not sure to what extent the economic discrimination, as well, is somewhat of a myth. I have heard, or read at least, that the CF-5 contract for example may have given us as much or more benefits on the long term as the CF-18 contract. I do not know. I am not an expert in that area, but I do not think that the Triple-E Senate in particular is going to be a panacea for Manitoba's ills.

Also, I am kind of reluctant to blame the East or other people for our problems. It is kind of an easy thing to say that we are not responsible for what happens, and it is all our parents' fault, if you like. We are just kids. I would rather see us take responsibility for ourselves and not blame other people if we can for where we are and act as adults. I sometimes worry that it is a convenient excuse for our own situation to blame Ottawa or Toronto or Montreal. Anyway, those are my comments on western Canada.

* (1550)

Last of all on Quebec, I think that if Quebec forms a separate country, we will all be diminished on both sides of the border. I do not think it is in Quebec's best interest, but that is not really the concern of this task force. I think that Quebec has a better chance of preserving its culture inside Canada than outside.

In terms of Canada's place in the world, we will no longer be the second largest country in the world. We will be somewhere around fifth or sixth, smaller and less significant than Brazil. We will no longer be an example to the rest of the world of a country that can survive with two official languages and many cultures. That has been I think a very good example to the rest of the world. It will be a very bad example to the rest of the world if we cannot keep this country together.

To my way of thinking, it means we have to have a separate country for every tribe in Africa, and that is unworkable. We have to have overreaching constitutional arrangements which accommodate different cultures and different languages. I think my own personal view is that if Quebec separates, it increases the chance—it does not make it inevitable, but increases the chance—that some or all of us will join the United States. I have a great deal of respect for the United States, but I think it is of great benefit to Canada to retain autonomy from the United States and be able to make our own decisions.

Basically if Quebec separates, Canada will have failed. We will be the children of a divorce. To me it seems the choice is between presently now living effectively quite separate lives under the same roof with the hope of some future reconciliation, or digging in our heels and preparing to fight over how to split up the pots and pans, or in our case, the debts.

I personally continue to hope for some kind of accommodation. I realize that the mood of the country is kind of a distemper or ill temper in our country, it seems to me now. People are getting kind of bloody minded, oh, to hell with them, let them go and all that. I do not like that kind of attitude. I think it is bad for the country.

I do not like it when people talk about how important it is to have strong principles and not compromise. My reply to that is, if you want to go to a place where people have strong principles and do not compromise, go to Lebanon. If you want to see an individual who has strong principles and does not compromise, Saddam Hussein. That is the concern I have with people who are too rigid in their views, and I think we have to be a little more accommodating, a little more understanding of other people's points of view.

I do not particularly think that the Quebec politicians are masters of accommodation or compromise myself either. There is lots we can do to criticize them, but we are not here to sort of point fingers, I think. We are here to try to find some solutions.

I do not think we can grant all the powers that, for example, the Allaire commission is seeking to all the provinces. I think that really would be a recipe in the end for having no country. So my own personal view is that in the end, if we are going to preserve a country at least in name—maybe that is all that it will be—we have to grant Quebec some form of special status. Now I realize that is not a popular notion in English Canada. I think it is partly because the word "special" has been interpreted to mean "better", and I am not sure it always does mean better. I am thinking of when it is used in the term Special Olympics or special education. In those senses, it means "more vulnerable." In terms of culture, I think Quebec has an argument that its culture is more vulnerable than ours, or certainly they view it that way. We do not seem to be as concerned about the invasion of American television and all those things on our culture as they are about the invasion of English language into Quebec.

It kind of reminds me of a bunch of kids in the back of the station wagon complaining because one of them is going to get violin lessons. Nobody else wants the violin lessons, but by God, he is not going to get it. That attitude towards cultural control in Quebec's hands I think is unfortunate. I do not see that Manitoba is diminished by granting Quebec further autonomy that we ourselves do not seek, in cultural matters particularly. This insistence on uniformity and everybody being the same as a sort of prerequisite of being a country, I do not think is borne out of looking at other countries.

If you look at the United States, Puerto Rico is part of the United States but it has vastly different status than the rest of the country. If you look at the division of powers in the United States, criminal law in the United States is a state responsibility and whether conduct is criminal or not, and whether you suffer the death penalty for it or not, varies by state from state to state. Yet, no one I do not think would say the United States is not a country.

So I guess what I am urging this commission to try and do is to find some kind of compromise or accommodation which might keep the country going and then we can get over this temporary—I hope—emotional reaction that we have in Quebec now and start rebuilding the bridges that have kept this country together for over 100 years. Thank you. That is my submission.

Mr. Chairman: Thank you, Mr. Riley. Questions now, Mr. McCrae.

Mr. McCrae: Mr. Riley, I appreciate some of the things you said about compromise and accommodation. It seems to me that is how we have lasted for over 120 years in this country. So do not get me wrong when I ask the following question: Can you think of any way—and also with respect to special status that you spoke about—we can achieve those kinds of objectives of special status, compromise and accommodation by means of any kind of democratic process?

Mr. Riley: I am long on ideas and short of solutions. I am sure that is the same dilemma the commission is dealing with, because the real problem is that there is such a reaction in the country against special status that unless we can turn that around and convince people it is not—people think that special status will lead to what they see as continued economic favouritism for Quebec. You know, they get airline bases; they get everything, and you have to sort of buy them to keep them in the country.

People also see the whole federal bilingualism program as being a sort of attempt to buy Quebec. I do not see that myself, because I do not think the Quebec people care about bilingualism out of Quebec.

In terms of democratic process, I guess it is a question of our own Leaders stepping up and trying to convince people that this is not a bad thing. I do not see the grass-roots method coming to that kind of accommodation. I wish I could. I wish I could see that there was that kind well of good feeling in the country, but with the recession and everything else, I think there is an ill temper in the country and a lack of patience.

I think if we just go out and take the temperature of the country and try to implement that, it will be disaster. Unless we have Leaders standing up and willing to take stands that may be unpopular in the short run—like I have great respect for Claude Ryan, for example, in Quebec. He is the only person I can see there now who is doing any kind of meaningful discussion, talking against the tide of separatism that is going on there.

I think we have to maybe have more people in English Canada who can talk against the other tide of rejection of Quebec which is growing in my view in the public. So when you say democratic, it would be nice if you would just have a vote or a referendum or something, and it would all be solved, but I think that might reveal more splits than healing them.

Mr. McCrae: You mentioned Mr. Ryan but not anybody else, so I take it that you are wringing your hands a little bit because there is a vacuum in the kind of leadership that we are needing to bring all of this together.

Mr. Riley: I am. I have to tell you if things go as they appear now, I do not have a great deal of hope. I trust that we will turn it around, because I think Canadians are basically people of good will and compromise and do not want to kick Quebec out of the country or even let it go passively.

I think people would be very, very hurt the day the new maps come out and that lime green Quebec splits up this country. People will cry. They will realize what they have lost then, and I think it will be too late then to get to that realization. I think people have to start facing that now and say, what am I willing to do to keep this country together? Am I willing to try to understand why these people are so concerned or why they are so angry or why they feel so humiliated, or am I just going to judge them and say, oh, well, they do not want to compromise, they do not?

I can say all sorts of harsh things about the Quebec leadership if I wanted to. I do not think it is productive. I think we have to try and understand them instead of just judging them from afar, and I do not know whether that has been done enough.

Ms. Friesen: I was interested in the way you identified the Triple-E Senate as an Alberta proposal, and that you looked at the differences and interests between those of Manitoba, Saskatchewan and those of Alberta.

You talked about drawing a new line on the map. Do you see any value in redrawing the prairie provinces for all purposes or for some purposes? Should we be looking at new regional groupings?

Mr. Riley: I have a somewhat radical notion that maybe we should join Ontario. I do not think that would be popular, but we may have more in common with Ontario than we do with Saskatchewan, I do not know. I do not know whether changing the map in western Canada is going to do much, to be honest with you. I do not see how that is where the problem really sits right now, but you know we could try anything if it might improve things, but I have not really considered that, no.

Mr. Carr: Mr. Riley, even though you said that it is not the business of this task force to suggest how Quebec may be thinking or feeling, I would like you to try.

* (1600)

You made the statement that you believe Canada is in the interests of Quebec. Could you elaborate a little bit and develop that argument? Why do you think that Canada is in Quebec's interests?

Mr. Riley: Well, I think Canada sort of surrounds Quebec with its arms and protects it. It should do that. Some people do not like that. They think, well, why does Quebec not—why do they not all speak English? Why do we try to preserve—why do we have this mosaic idea instead of a melting pot and all that kind of thing?

I think our attitude has been that we value diversity, we value our two languages, we value our ethnic groups. That kind of attitude I think is a good one and one which acts as kind of a buffer state for Quebec, so it does not have to deal directly with the rest of English North America.

Maybe just by being alone they will have the same protections, and they will be masters of their own house and will not have to compromise. I think they will have to communicate with the United States. They will have to communicate with us. They will have to communicate, presumably, eventually in English with us if we give up our second language, if that is what happens ultimately. They will not have the bilingual rights that they have now. Ultimately, the contact will be more English-French instead of French-French between Quebec and its central Government.

So it may be marginal. They maybe will say: by ourselves we have a better chance of surviving. I think that really as part of Canada they have a better chance of surviving long term.

Mr. Carr: Do you have any suggestions as to how English-Canadian politicians may make those arguments in Quebec?

Mr. Riley: Well, I cannot say that I detect a great deal of receptiveness right now in Quebec to hearing what happens outside the country, and I lament the insularity of Quebec. I think there is a lack of appreciation on both sides of the border. I do not think they appreciate English-Canadian culture enough, and I do not think we appreciate French-Canadian culture enough.

It is difficult. I am deliberately avoiding naming any names and getting into any kind of personal criticisms. I guess we have to try and speak in terms of understanding their concern for their culture and its assimilation, in it being 6 million French speaking people in North America, containing over 200 million English speaking people, and try to telegraph to them that we are willing to help them retain their culture, and we do not want them to become assimilated.

I do not know whether that message has got through or not so far.

Mr. Carr: In your judgment the best buttress against that exposure and vulnerability is a federal Canada.

Mr. Riley: In my view, yes, definitely.

Mr. Carr: Okay.

Mr. Chairman: Mr. Riley, you choose your words carefully on the aboriginal issue, and I did not hear you use the phrase "self-government."

Mr. Riley: I think I did say "entrench a degree of self-government."

Mr. Chairman: Would you like to elaborate a bit on that?

Mr. Riley: Yes, I certainly think that on a reserve they should have the full powers of any municipality and perhaps further. Child welfare I think is the appropriate area that they should be taking responsibility for, and a number of things of that nature. I do not know how you can give self-government to Native people living in Winnipeg, for example. That is a difficult question in my mind. Certainly on the reserves I think they should have the full powers of municipal Governments and, as I say, child welfare is another area that comes to mind immediately.

I think some degree of control over education should be devolved to them so they can teach their children the value of Native culture so they do not simply get this negative self-image which I think they get from watching themselves in the mirror of white society. I think that is a lot of what leads to the health problems that Native people have with alcohol and so on, is the lack of self-esteem and the boredom and the lack of something to do. I think all that can be dealt with if Native people are given the tools to deal with their own problems, in terms of social services, education, child welfare and municipal services.

As I say, I think you have to give them responsibility. They are not children. They should not be treated like children. They should not have the great white father, or whatever that expression was, looking after them all the time as much. I think they should be helped to stand on their own two feet. I think that is what they want, in my own view. The Native people I have talked to do not want to be dependent on handouts or anything of that nature. They want to stand on their own two feet and show that they are as good as any other Canadians, and I think they are.

Mr. Chairman: One other question, if I may. You indicate that you have some indifference toward the Triple-E concept for Senate. Are you an abolitionist?

Mr. Riley: Well, I would probably want to retain it a bit, just for the point of having—maybe restrict its powers a bit more particularly on money Bills. I guess abolition would be my second choice after that. I do not see the Senate as being that great a problem, although I guess with the GST I was a little concerned about whether it was usurping the powers of the elected officials, but I do not think I would like to see it much more powerful. If anything, I would like to see it abolished. The real benefit perhaps of the Senate is having a place where you can reward people who make contributions to public life with patronage appointments out in the open, instead of having patronage be under the table. Maybe you have to have that kind of a mechanism for rewarding contributions to politics.

Mr. Chairman: Thanks very much, Mr. Riley.

Mr. Riley: Thank you very much. Goodbye.

Mr. Chairman: Jeff Saranchuk? Good day, Mr. Saranchuk.

Mr. Jeff Saranchuk (Private Citizen): Hi. First of all, I would like to say that I am very glad to be here, and thank you for the opportunity for my being able to convey my opinions.

I think that because Manitoba is situated geographically where it is, we can offer a unique perspective because we can get the argument from both sides. I think that it is going to be up to Manitoba once again, as it was Manitoba and Newfoundland, to set the record straight regarding what happened with Meech Lake and the whole issue there.

I think that the Government of Manitoba should—

Mr. Chairman: We just want to make sure you are going to be able to be heard, sir. That is probably better now.

Mr. Saranchuk: I think that the Manitoba Government should heed the words of this task force report as it did before, and I think that the three-Party vision to make a pan-Manitoban argument against Meech Lake was very good, and it represented a very strong Manitoba platform.

I would like to now move on to Senate reform. I think that through the reform of the Senate more people in the regions could have their views expressed. The attitude prevalent in the West, in the North, in the Maritimes, and even in Quebec is that they are overlooked, underrepresented or not heard enough from. I think that through reform of the Senate, as I mentioned just previously, we could solve some of those problems. It appears that Ontario would have the least to gain from a Senate that was reformed, but if you look at the potential for strength of the other regions, particularly the Maritimes, since their offshore resources could provide considerable political clout for them, I think that Ontario, eventually in time, may feel that they may need a stronger voice, maybe not.

The first change I would propose for the Senate is that of course, it would be elected. There is no real place for an unelected body in our democracy, but I refer to the Special Joint Committee of the Senate and House of Commons on Senate Reform Report of 1984 where it said that senators should be elected but for non-renewable nine-year terms.

I have trouble with that because it does not really allow the senators to be accountable to the public. I think that perhaps there should be a mechanism with which they could be held responsible. The natural change that would follow once the senators would be elected to the Senate would be that they obviously need some legitimate power. I think that a suspensory veto is not a real form of legitimate power because all it ends up doing is causing a delay, and then we have the same tactics which were displayed during this past GST—the whole situation with that.

* (1610)

I think if we want to avoid though an obstructionist body, perhaps in order for the Senate to veto Bills, maybe rather than having a 51 percent majority required to kill a Bill, it should be somewhat higher, so then it would be less of an obstructionist body in our system.

I think that the Senate if it were made more equitable would serve more Canadians because, although some areas may have a greater concentration of population, their economic arrangements and the strength of their economies may merit them having a stronger voice. I think that senators should just have to have the same requirements as M.P.s do. I think that the $4,000 property rule that they must have before they can become a senator should be negated, but I think that we should try and strive for a Senate where partisanship is lower so that we could actually have some real scrutinization of the Bills without having to be worried the Senate is being preoccupied with Party discipline.

I would like to now come on to the crux of the matter and why I am here essentially, but before I do so, I would like to make sure that we are clear on several points. In 1982 when Quebec said that they were left out and that the feds and the nine other provinces ganged up on Quebec on purpose and left them mortally and gravely wounded, I discern that contention, because Quebec, as we all know, had a separatist Government and would not have agreed to anything that promoted federalism.

A special concern of mine is that the Prime Minister is saying that this happened, but in his 1983 book, "Where I Stand," he said that no one should have been surprised when Rene Levesque, and this is a quotation now, refused to agree with a concrete gesture that would prove Canadian federalism is in effect flexible and can work. To do this would be to demolish all his beliefs and vitiate his entire political action. Mr. Mulroney is telling Quebec this for the past three years, and he does not even agree with it.

Another question that people in English Canada would raise from that is: If Quebec was so wounded and Canada has been such a hindrance to them, how is that they now feel they have the political and economic strength to make themselves a thriving, independent nation? Another myth that we have to clear up is that the rejection of Meech Lake meant the rejection of Quebec. This is obviously not true. The reality of the situation was that it came down to Manitoba and Newfoundland representing the will of the nation. Seventy-five percent of the people opposed Meech Lake, but 75 percent of their respective Governments did not oppose it.

Another falsehood is that Quebec will dictate the terms of separation, and that causes a lot of fear in English Canada, but I would like to speak about that a little later on.

Mr. Bourassa says that he is going tc negotiate unilaterally with Ottawa but, in reality, the federal Government has no authority to give away powers just freely. If Mr. Bourassa wants to negotiate, or Quebec does, it is going to have to end their boycott of constitutional talks and is going to have to come and speak with the other nine provinces. As well, Quebec separating will not mean the end of Canada, and I would like to address that a little later on.

I am increasingly concerned about the views of Quebec separatists, how they are very stubborn and they are not willing to listen to other views. This most recent Allaire report says that by the '80s Canada's federalism had become outmoded and its cumbersome workings are now sapping the regions of their vigour. Then it points to the failing economy, high interest rates and the huge debt, but if you look at it in this way, in the 1980 referendum when Quebecers voted yes to stay in the federation, economic conditions were not the best either. So I do not think you can necessarily cite those as examples, as this report has.

They also say that our institutions have not caught up with the times. It says that the GST and free trade, while being delayed, are examples. This is the quotation from the report: The Canadian state is too cumbersome, too centralized. It suffers from the problems that afflict large organizations, plodding decision-making processes, poor interpretation of the needs of users. As well, it also says that Canadian federalism has a chronic inability to renew itself to seek lasting solutions to the problems that sap its strength. The failure to ratify the Meech Lake Accord is but the latest example of a much more profound impasse that hinders not only Quebec's development, but that of the entire country.

On the first point where it says the Canadian state is too centralized, I will refer you to a quotation from W. H. Reicher's book, "Federalism: Origin, Operation and Significance." In it, he says, among the more or less centralized federations in the modern world, most writers would agree that Canada is about as decentralized as one can get.

So obviously we can dismiss the argument that the Canadian state is too centralized. As well, this book was written in 1964. Consider the devolution of powers that have taken place since then. I do not think that it can be very effectively argued that Canada is too centralized.

I also find it interesting how the report cited the example of the Meech Lake impasse as being the latest profound impasse, but it failed to recognize these ones. In 1964, Premier Lesage backed out of the Fulton-Favreau formula, which he had originally agreed to. In 1971 during the Victoria Charter, Mr. Bourassa went back on his decision where he originally gave his consent. In 1981, Rene Levesque refused to sign the Canada Act, 1982. It sort of sugars over those particular impasses just to show the one where it was English Canada causing the impasse.

I would like any separatist to tell the rest of Canada, if Canada has been so harmful, why do they think they are now so strong, so self-confident so as to become independent?

Let us look now at the division of powers that this report recommends. It said that Quebec would take hold of culture, education, communications, energy, environment, a whole host of others. It is interesting that Quebec would want environment, yet the report goes on to speak of a harmonization between Canadian and Quebec environmental standards. Now how would that be achieved by Quebec controlling it by themselves? I think, at least, it would have to be joint jurisdiction.

As well, it wants the federal Government to stay out of industry and commerce, research and to give up power to defend the national well-being. National programs would be threatened by this, and I do not see how any people in English Canada would be able to accept these. If we look at the joint or shared distribution of powers, which this report recommends, we will see that Native Affairs—they want that to be one of them. It is pretty clear to many of us, that is because they cannot handle it on their own. I point to the crisis just this past summer at Oka, which proves that all too well.

They want shared jurisdiction in justice, yet they feel that they should not be subject to Supreme Court rulings. Then there is foreign policy, they want a say in that. Well, how can Quebec along with the federal Government dictate the terms of foreign policy for the rest of Canada? I think that it is pretty obvious that this is not going to be accepted by English Canada.

If we look at what Quebec leaves to the federal Government, what they were saying was management of the debt. Well, of course, they do not want anything to do with that. They would leave defence to the federal Government, but that is only because they probably would not want to have to fund their own system of defence. I see the report as being—they call it under the mask of federalism. This would not be the basis for a nation.

Quebec says that if we do not agree to their terms, then they will call a referendum in 1992. That scares a lot of people in English Canada, but if you look at it, that should not be frightening to anyone, because suppose they—which is almost a forgone conclusion—are going to win the referendum and they will declare sovereignty, that really means nothing because they already have rejected Canada. I think that Canada should set down the terms for secession from the union.

* (1620)

There is absolutely no way in a democracy that 6 million people should tell the other 20 million what to do. I think before Quebec leaves, they should pay back all debt owed. If their economy is so vibrantly forceful, as many Quebec politicians assert, then they should have no problem borrowing the money on financial markets of the world, pay for all federal assets in Quebec.

I have some figures here from West magazine from May of 1990, and I realize that they could be overblown a bit, but it said that Ottawa spent over $100 billion more on Quebec than it taxed between the years of 1970 and 1986. If you look at the André Raynauld report for the Conseil du Patronat du Québec, they said that since 1980, Quebec has received $2.3 billion annually in net federal expenditures. Well, maybe they should have to pay that back. I think that these figures will all have to be decided upon, and I think that Quebecers will find that they are going to owe a lot to Canada.

Let us consider what Mr. Parizeau said to the joint gathering of the Empire and Canadian Clubs in Toronto on December 12, 1990. He said Quebecers, by and large, would find it more comforting to keep the Canadian dollar as their currency. In spite of the criticism often levied at the monetary policy pursued by the Bank of Canada, they would thus prefer to maintain a common monetary policy if they could have some say on the way it is run. Of course they would like to keep our common currency, because it has such a high credit rating with the rest of the world. I think if Quebec is going to go, the split should be complete. No common currency, because that is the price they are going to have to pay for learning to grow up on their own. Let them draft their own deal with the U.S., because once they separate, they are no longer part of Canada, and I do not think the deal should apply to them. Perhaps they may even have to get into negotiations with us.

Let us once again consider Mr. Parizeau's words in the same address. He said nobody in his right mind would imagine that free trade of goods and services would be achieved in a north-south direction but not in an east-west one. It is almost as if he is telling us that already Quebec has achieved a north-south direction of trade, but really it will not once it separates. It must be made clear to Quebecers that the St. Lawrence Seaway belongs to Canada and was built with Canadian money.

The big thing I think that most people are concerned about is when Quebec leaves that the whole province will leave a hole in Canada and it will be like Pakistan being separated by India. I think that Quebec should leave with the same amount of land that they entered Confederation with. When the Boundary Extension Act of 1912 was invoked, it was on the assumption that Quebec would obviously be remaining in the federation. Once they are leaving, I do not think that land should be granted to them.

As well, some Native figures go up to the Natives claiming 85 percent of Quebec. Who says that the Natives are also going to want to separate with Quebec? The Quebecers seem to want the best of both worlds, especially the separatists, because that is the only way they can make their vision of Quebec seem viable. Would not all provinces like to make their own laws and not be subject to laws under other provinces but still receive transfer payments and still enjoy the high credit rating of the Canadian dollar? I think that this says it all, when James Stewart, this is from the Free Press, October 31, 1990, among those who tell pollsters they favour sovereignty association, nearly half say they want Quebec to keep on sending representatives to the Canadian Parliament and continue receiving transfer payments. Obviously they do not want to make a complete break, and I think that is where English Canada has to come in.

If Quebec decides to stay then it will enjoy representation in Parliament and perhaps a new Senate, which we will have a part in devising, but there should be no special status for anyone, because that completely undermines equality of citizens of Canada. That is one of the founding principles. As well, the army will be available if they require it for internal problems, and in the past 21 years they have required it more than any other province. I think that this is Quebec's trump card, because if they decide this time that they are not going to go, then really they cannot threaten anyone with blackmail and say that they are going to leave the federation.

Quebec refers to Canada as an interventionist welfare state. Well, who is going to become the welfare state after paying off their debt that they owe to the Canadian Federation, exceeding $100 billion?

I think Canadians are concerned that all their federation is being referred to as an economical arrangement. Canada is not an economical arrangement between the provinces. We are not, nor do we want to become, an alliance of states which have just come together merely for economic and security reasons. Canada is not a confederacy, and I think that someone has to be saying this. I think that is where this task force comes in, because I think we have a proper perspective and see things in a good light.

Canada is a federalist nation with a soul and a pulse, and I think that being Canadian is not, like I said, an economical arrangement. It is also a train of thought. When you watch Paul Henderson score the winning goal in the Canada Cup, everyone gets a good feeling about it. Being Canadian is the pride that you feel when you see the Grey Cup hoisted high by the victorious team, and I think that we all can relate to that really well.

It is being able to walk safely down the street in most of the places where you live, although some, especially in urban poor areas it may be a bit more rough. I think that Canadians enjoy a safe country. Also, Canadians have a secure frame of mind knowing that very few people have guns, whereas in the United States the gun control laws are very, very liberal.

I think that being Canadian is knowing that a stay in the hospital is not going to bankrupt you and knowing that going to university is not going to cost near as much as it would in the United States. It is also having untold thousands of kilometres of pristine wilderness and unspoiled virgin waters to ourselves. Pollution control has been quite strong in Canada, although of course we think that we can do better.

I would just like to sum up and say that Canada is a very good thing and, if Quebec does leave, especially if it takes only the land that it came into Confederation with, that no one is going to suddenly disbelieve all these things, examples which I have just told to you. I think that Canada is a good thing and we should do our utmost to preserve it. Thank you.

Mr. Chairman: Any questions? Mr. Saranchuk, you did not have time to deal with your second page and, in some ways, I find it as interesting at least as the rest of what you said, because you are talking about some of the things you do stand for, and I wanted to ask you about a couple if I may. There is a jotting here that says, aboriginal rights, Natives are going to have to decide for themselves, and then you have a jotting that says "self-government." I presume that means you are in favour of Native self-government.

Mr. Saranchuk: I am because first of all there is no way that we can fool ourselves and think that we can settle all the problems for the Natives. They know what they want, and they would be able to handle it properly. I think, as the last presenter said, that we sort of need a definition of "self-government" because if they want to rule on their own reserves, that is very good. We have a say in our city, other towns and everything—respective citizens do—so I think that they should also have a chance to do that.

I think it is important when writing the Canadian Constitution that we recognize there is only one Canadian nation and that, although it is comprised of several different groups—and I think perhaps the whole Native question can be recognized, because they form a very significant part of our history. That would be a kind gesture. I think that Canada is one nation, and it should be recognized as so in the Constitution.

Mr. Chairman: Mr. Lathlin probably has a question on the same subject, and then I am going to come back to you on a different subject.

Mr. Oscar Lathlin (Member for The Pas): Sir, my question was going to have to do with—you say in the Constitution there should only be one Canadian nation recognized, on page 2 of your presentation. The question that I wanted to ask you is, why do you think aboriginal people have this belief—and they have had that belief for a long time—that they have special rights?

Mr. Saranchuk: Well, I think that they do deserve special rights because how I equate when the Europeans came over, would be the same as if some race or some country decided to come into Canada—

Mr. Lathlin: Have you ever heard of treaties—the treaties that are signed between Indian nations and the British Crown?

Mr. Saranchuk: Yes. I hope you are not taking it the wrong—I think the question—

Mr. Lathlin: Have you ever heard of Section 35(1) of the Canadian Constitution of 1982?

Mr. Saranchuk: That refers to the aboriginal heritage? Is that what you are referring you?

Mr. Lathlin: It refers to the recognition and affirmation of treaty and aboriginal rights in the Constitution.

Mr. Saranchuk: I have and I am for that. I hope I am not making my stand unclear. I am for—

* (1630)

Mr. Lathlin: Have you ever heard of that clause in the Canadian Constitution?

Mr. Saranchuk: Particularly which one are you referring to?

Mr. Lathlin: It gives special consideration and gives special rights to aboriginal people.

Mr. Saranchuk: Yes, I am, and I will say again that I am not in any way opposed to it. I think that is good.

Mr. Lathlin: Okay you see, but that is what I am saying. You are saying that everybody—there is no one group that should have any special rights, and yet by virtue of the treaties, by virtue of The Indian Act, which we are trying to get rid of right now which is so paternalistic, by virtue of your own Canadian Constitution of 1982, aboriginal people enjoy special rights just by virtue of the treaties. In Section 35-1 of the Canadian Constitution, and I am sure recently—I think you are well read, and you are very articulate in your presentation. You must have heard of the Sparrow case and the Sioui case, two Supreme Court decisions within the past 18 months that said, yes, aboriginal people do have special rights.

So that is what I am saying. Why would you suggest that in the Constitution only one Canadian nation should be recognized? The other thing too is Natives are going to have to decide for themselves. Well, I do not know where you have been. You seem like a young man to me. Perhaps you have not been around long enough, but since 1982, aboriginal people have gone to First Ministers' Conferences trying to get recognition, and they have been doing that for a long, long time.

Your notes here say Native people are going to have to decide for themselves. They have tried.

Mr. Saranchuk: Okay, can I clarify that then? I will say that the Native people are going to have to be allowed to decide for themselves because presently I do not think that they are. I cannot really comment when you were talking about those Supreme Court cases because I am not very familiar with them. I hope that what I am saying is not misinterpreted. I think that the aboriginal case is extra sensitive because of all the injustices done to them, and I think that whole issue should be given a special, new outlook, because I cannot see how other regions can complain about their treatment when there has always been consistent with the Natives who have been mistreated and overlooked and not listened to, so I am essentially agreeing with what you are saying, even if I did not make myself clear at first.

Mr. Lathlin: One more question, and then I will—

Mr. Chairman: A very short question, please.

Mr. Lathlin: Do you not feel that aboriginal people have a legitimate cause for complaint in view of treaties that were signed in 1876, 1869—

Mr. Saranchuk: Oh, yes, I do.

Mr. Lathlin: Giving away all this land to people, you know like to the Europeans who came here as well as all the treatment that they have had from the federal Government, provincial Governments, do you not think that they have a legitimate beef?

Mr. Saranchuk: Oh, absolutely, I think they have a legitimate beef, and they should be heard rightfully before any other particular region because first of all, there are aboriginals across the whole country, but it seems that many people are preoccupied and, of course, my report was too with the future of the country in terms of Quebec leaving, but I completely understand, or I think I do anyway, what you are saying and I would tend to agree with it.

Mr. Chairman: Mr. Saranchuk, one quick question and a very quick response, if you do not mind, sir. On the same page you say, make sure collective rights are above individual rights, under the heading of Charter of Rights. Could you just give us a quick expansion on that?

Mr. Saranchuk: Originally, I had just formulated an outline, and it was not really intended to be a formal submission in terms of handing in the paper so that is not exactly what I meant. I meant that the Charter of Rights—we should not get so caught up with individual rights that we undermine collective rights, because I think that, for instance in Manitoba, our tough drinking and driving legislation, which has been very effective, does not really respond to individual rights. It is more a collective rights agreement, and I think that some of those are required if we want a just society.

Mr. Chairman: Presumably that might extend to some aspects of the right of workers to organize and act collectively.

Mr. Saranchuk: I would say that it extends into a lot of areas, particularly when evidence in court cannot be used because it was obtained by violating someone's rights. Some people feel that may be suspect, especially if the evidence is particularly incriminating.

Mr. Chairman: A final question, if I may, on a personal note. Are you a student?

Mr. Saranchuk: Yes, I am. I am a student at the University of Manitoba, first year.

Mr. Chairman: I am delighted to see you today. You have put a lot of thought and consideration into what you have presented, and it has been a pleasure to have you. Thank you very much.

Mr. Saranchuk: Thank you very much.

Mr. Chairman: Our next presenter, Mr. Russ Wyatt.

Mr. Russ Wyatt (Private Citizen): I would like to thank the Chair and all the Members of this Committee for this opportunity to speak. I think you are doing a terrific job. I have seen the last task force report, and I just have to say that if more of the last task force recommendations had been put in the Meech Lake Accord, I think we might not have had to go through all of this again, and we would have been able to strike a constitutional agreement at that time.

Since we are here, I would like to begin. I know there has been a demand, or there have been requests by many of the task force Members to try to bring some practical solutions forward to deal with the concerns regarding our Constitution. First of all, I have a number of things to talk about and due to time considerations, I will try to get over them quickly and then allow for questions.

I would like to first of all start talking about the amending formula. I think one of the main reasons why the Meech Lake Accord failed was because of the amending formula. We made the amending formula far too rigid on many, many matters. We took the so-called Vander Zalm veto concept approach of applying the veto to every province once it was asked for. I think it is very important that we have an amending formula that ensures we have a living Constitution, a Constitution which does not basically restrict us over a long period of time to make any changes, but at the same time a Constitution which does not make it impossible to make necessary changes with the times.

I would like to offer a few possible alternatives here on how we could possibly achieve an amending process in this country. The first is a possible formula, and I would like to get the response from the committee. The first is to have Parliament start the debate, or a Legislature in the country start the debate of the process, and begin by setting up a Charest-like parliamentary committee that we saw going across this country. I was very impressed with the Charest committee also. It made some very good recommendations, although they were very quickly ignored by many of the federal politicians. I could see that being an important part of the process of consultation across the country, a multi-Party committee made up of all-Party Members going across the country.

* (1640)

I would then see the system where they would report back to Parliament, that they further try to specialize and further try to put down on paper what the concerns were reflected across the country, and then go back out again and do the exact same process. It might take a year, it might take two years, but I think we should not have these time considerations forced upon the nation when we are deciding something as important as our Constitution.

I would like to say that the formula we have right now, I think, regarding seven out of 10 provinces with 50 percent of the population or more and having it to be passed also through the House of Commons and the Senate is a good process, though I would argue that instead of having the provincial Legislatures themselves pass the constitutional amendments, it should actually be the people, that it should be a referendum process in every province, decided in every province, and if the people of each province, seven out of 10 provinces with 50 percent of the population or more decide, along with the House of Commons and the Senate, I think it would make an excellent amending formula.

Further to that I would also add that I believe Quebec should have a veto. I believe we are at this point in time now where I think it is beyond that question. I think it is not an unreasonable demand, and I think it would do two things, and not only that, not only Quebec, but also the aboriginal community across the country should have a veto regarding the Constitution.

It will do two things, No. l, I think it will show to both communities the importance we believe, as all Canadians, as non-Quebecois and non-aboriginal the importance that we believe that they play as part of this country and No. 2, I think it would ensure a sense of security when it comes to regards of changing the Constitution in this country.

I know there was a lot of concern in this province expressed regarding the veto power, but I do not share that same concern. I believe we have to be flexible in this country, and I think those problems can be worked out. I believe if it was done through a referendum process the people in the province of Quebec and the aboriginal people across the country would realize the importance and significance of such a process and participate in such a process more seriously than ever before and examine the issues more seriously than ever before right across the country, because they will be voting on such a matter.

To continue, I would like to start talking about parliamentary reform. I think before we start talking about Senate reform maybe we should discuss the issue of parliamentary reform regarding the House of Commons. I would argue strongly that we should look seriously at a system of proportional representation in this country based on the popular vote.

I think there are a lot of arguments for such an opinion. I think it would more accurately reflect the regions. For example, for the first time you might actually get members of the Green Party being elected in British Columbia to the House, things like this across the country. You get different diversities from the different provinces. I think it would ensure, probably overall eliminate, the idea of having a four-year dictatorship, which is what everybody seems to be calling the present Government in Ottawa right now. It would probably ensure that coalitions would have to be worked out with various groups in the House. It would ensure compromise, which many people who are arguing for the Triple-E Senate point out and would like to see. I think proportional representation could actually do that.

I think it would be very workable within the present Party system. The political Parties I think would be able to adapt easily. As a matter of fact, I think you might even see more political Parties on the scene which would I think more accurately reflect the ideas of the people of this country and the views. This country would not be an exception actually. Presently it is an exception. P.R. is used all over the world and it works quite well. The kind of system that we could use is up to us to work out, I think. Whether it be a list system or a single transfer of vote, that is up to us.

There are negatives to it, I will admit; that is, you get a single seat. It could be the end of the single-seat constituencies as we know it. I see that as a disadvantage. At the same time the opposite of that is we would view ourselves as Manitobans as, let us say the present 14 seats, sending a type of delegation to Ottawa to represent us.

This kind of concept you also hear of when we talk about the Senate. You would also lose that sense of community leadership. You know, you have your local M.P. nearby. I think that could be made up by the fact that we would be sending this delegation. You would actually have more Leaders to choose from, to be in contact with.

I would like to talk about something which concerns me personally, which I am seeing. It is partly a constitutional matter and it partly is not. That is, let us look at the national values we already share across this country, values which are established, values which we know we have. It is values where we believe in certain collective rights, such as a universal health care system, such as a universal education system up to the age of 16, social programs like U.I., pension, family allowance, the welfare system. We all know there are problems in all these systems, but we all believe that they are an important part of our society.

I would like to make a case in point about what happened about a week or so ago in Ottawa but which was largely ignored across this country, and that was the passing of Bill C-69 applying to the established program financing system, the EPF. Basically, ever since the program financing was changed from 50 cents spent equally for every 50 cents back in the '70s—and we have seen these block payments, we have seen it steadily dropping, the amount of payments coming to the provinces. I believe according to this formula in C-69, it actually institutionalizes in law the constant reducing of the money we are receiving from the federal Government.

I hate to use this term but as a "have-not" province financially, economically, in that sense, we do need these funds if we want to maintain the same kind of national standards that we pride. They estimate approximately by the year 2005 or 2010, I cannot recall which, the federal share of funds in this province will be down to zero. We will be getting nothing from the federal Government regarding EPF. Right now the federal share across the country for such programs is 25 percent, so it is down from the original 50 percent.

I think this will slowly deteriorate the health care system. I think what will happen is that people will be forced, and you cannot blame people, they will be putting their hands in their pockets and actually going to the hospital paying, or going out of the country and paying for it because—you cannot blame them—they are concerned about their loved ones, they are concerned about themselves, they are concerned about their friends who are sick or many other problems that could arise from such a situation.

I think it would clearly highlight regional inequalities which already exist, income-wise, economically. It would further disrupt this nation, and it would certainly make any kind of constitutional reform we are talking about now just sound like an absolute dream. It will not be possible. People will be more concerned, and rightly so, about their economic situation and about the inequalities across this country than any kind of constitutional talk.

I would like to move onto and tie it into the idea that was briefly talked about by the last speaker, actually raised in a question, and that is the collective charter of rights, which I believe could be added to the present Charter of Rights and Freedoms. We have done a very good job in this society of making sure we protect fundamental rights. Before it was just institutionalized in common law, and we have moved that into a system where it is not open to the whims of Parliament. I believe we should do this exact same thing with collective rights as a society. We know that they exist. They are there. They are part of common law.

When I talk about collective rights I am talking about, as the Chairman pointed out earlier, the rights of trade unions to organize, sexual equality rights, anti-discrimination laws, language laws, Native rights. I am talking about things which, in many ways, we hold very dear as a nation, and yet we have failed, in my opinion, to establish these in something we call right now the Charter of Rights and Freedoms, which in my opinion is one-sided toward individual rights.

I would like to talk briefly, as much time as I have left, regarding Native rights and the aboriginal people of this country. I have something that was read by one of the earlier presenters on the constitutional justice in this country. It was by Shirley Lord. She read the six points, and it came from the Assembly of Manitoba Chiefs. I would like to read them again, because I think they are worth reading again, worthy to be noted again.

The first of these is the recognition of aboriginal peoples as the fundamental and original characteristic of Canada.

Two, the recognition of aboriginal peoples as distinct societies, with protection for aboriginal languages, cultures, traditions and institutions.

Three, the recognition and protection of the inherent right of self-government of aboriginal peoples.

Four, the recognition and protection of our right of aboriginal title.

Five, the fulfillment of all treaties, including the land claim agreements signed between the aboriginal people and the non-aboriginal Governments.

Six, the right of aboriginal people to participate as equals in the process of constitutional change.

They follow it by saying, the adoption and application of these principles in the Constitutions of Canada and Manitoba as a matter of first priority will help achieve justice for aboriginal peoples across this country.

I think it accurately reflects my opinion, at least, as a non-aboriginal Canadian of what should take place regarding the Constitution and the situation in our country. We see the events that took place in Oka, and I ask myself, what prevents such a thing from happening here in Manitoba?

We point to the Government of Quebec being very insensitive. I am saying the same thing could exactly happen here, and such a situation could explode if we continue to ignore the situation.

* (1650)

I would like to make a few objective criticisms, if I may, of the present Government here in Manitoba. The Filmon Government did a very good job of promoting itself during the Meech Lake debate as one which is fighting for aboriginal rights. Yet, when it comes right down to it, and when we look at the present situation, if Mr. Filmon and if the Government of Manitoba were clearly seen, not only seen but clearly in favour of implementing what they can of the six points that I just read, such as things which are within their jurisdiction—

We know that if self-determination and self-government should come about, certain resources will have to be transferred from the provinces into control of Native hands, and I think it is an absolute necessity if it is going to actually work. Yet we know that the provinces are going to have to sit down and negotiate, but time and time again when the aboriginal people have gone to Ottawa, as Oscar Lathlin has pointed out, since 1982 it has been the provinces in many cases who have held up this process.

I think Manitoba could set a shining light across this country if it were to take up the flare and go across this country, or sit down in this province first of all with the aboriginal people in good faith and start getting things done. Whatever we cannot handle regarding federal matters, or because it is a federal jurisdiction, in my opinion, we should just put that to the side, do what we can, and then go as a united front to the federal Government and to the rest of the provinces to achieve the goals which I just read to you. I think it can be done. I think if this Government was serious about it they should be doing it right now, and we should not be ignoring the situation any longer. As I said, we are going to get the same kind of an explosion which we have seen in Quebec; it will just happen in other provinces.

I want to just conclude, if possible. Regarding Quebec, it was talked about, the situation in Quebec. The last speaker I know had very strong opinions regarding the situation in Canada. I strongly believe that Quebec is very important to this country, and I strongly believe that we have to realize, I think, now that the political elites in Quebec, not only the political elites, the economic elites, the majority of them, seem to be in favour or leaning toward separatism as a goal.

I would argue, as a practical step for this committee to do, to take over the agenda. We have seen the agenda so far controlled by the Allaire report. We have seen the agenda controlled so far by the news we constantly get out of Quebec regarding Belanger-Campeau discussions. I would suggest that this is a great opportunity for this committee to actually take hold of the national agenda and put forth some very aggressive ideas, very assertive ideas which could possibly spark the imagination, not only of Canadians outside Quebec but Canadians inside Quebec. I say Canadians because I believe part of the reason so many people in Quebec are saying they are in favour of separatism is that there is a real sense of frustration in that province in the sense of political rejection, number one, but I also think there is an economic sense of frustration regarding the recession which is taking place right now in this country amongst the ordinary people of Quebec.

I think in western Canada we get this frustration expressed in different ways. We see it through protest Parties. The NDP arose from this; we see now the Reform Party rising from this. You get these kinds of protest groups that come out but still do not demand the separation of the country.

In Quebec it takes on a different form, and that is a nationalist form, a form which is now, we see, demanding a referendum regarding separatism.

I think some basic things that we could possibly throw out to go over the—in a sense to try to get around the elites of Quebec and talk directly to the people of Quebec. The fair amending formula I talked about is one. I think if the people of Quebec actually see that they would have the power—I think the people of Quebec, like all other Canadians, believe that they should have more democratic control of their institutions, and they would think that would be a great idea. We could finally decide our constitutional future.

We should not be so frightened of a referendum process which is binding regarding the Constitution. I think a collective Charter would be very reassuring to the people of Quebec. I think stable social programs, which I have talked about also, would be very reassuring to the people of Quebec. A proportional representation system in the Parliament I think would ensure that the people of Quebec's views were more accurately reflected. I would argue for political accountability, another step, and that is for a recall system not only in the Parliament of Canada but in every Legislature across this country, that every M.P. and MLA or MHA or what have you is open to recall and that they can be called with a certain percentage of their constituencies being signed up on a petition type of thing.

I would argue that the Quebec matter and the aboriginal rights matter which I have mentioned be looked at very seriously by this committee and that in both matters this committee has a great potential to spark a type of vision which could really inspire many Canadians. Even though you might get some negative input from maybe some of the presenters, I certainly hope you do not become bewildered by the process.

That is the end of my report.

Mr. Chairman: Thank you, Mr. Wyatt. Any questions? Thank you for a very interesting presentation.

Mr. Wyatt: Thank you.

Mr. Chairman: The next presenter, Mr. Jonathan Crowe. Mr. Edward Rice?

Mr. Edward Rice (Private Citizen): I am glad I am not being called upon to follow the president of the Bank of Canada. I do not know what I could have to say.

Mr. Chairman: He is not on our list yet, sir.

Mr. Rice: Mr. Crowe, is that not the same—obviously, we are not talking about the same gentleman. I was being facetious.

I believe I am at the bottom of the list this afternoon. You have been here a while and I will do my best to not be tedious.

There are four subjects that I would like to deal with. Rather than making a global proposition or proposal, I would like to talk about four specific areas of concern to me. On these areas I am speaking for myself and no one else. I would first like to talk about the Senate, secondly about what has been called second generation rights. A previous speaker referred to that as well. Third is the Allaire report, and fourth is aboriginal rights.

First of all, on the Senate: Since I first became politically conscious as a young lad, the Senate always seemed to me to be an embarrassment. The question that arose was, how can a democratic country have an appointed body that has at least a theoretical power to approve or disapprove legislation?

As a matter of fact, we saw it actually exercising it last week. It is rather ironic, as I personally agree with the result, but I am somewhat disappointed that we have an appointed body with that power.

What other democracies have such a constitutional bizarrity? Well, Great Britain does. However, the Prime Minister can always at any time flood the House of Lords with new peers if it stands in the way of the Commons. Malaysia has an Upper House that is composed of appointees of the hereditary kings and sultans of that country, but I am not sure that we would want to use Malaysia as an example to justify our anachronistic Upper House.

I think the historical reasons for the Senate are obvious enough, a fundamental distrust of democracy among the Leaders of the time. Clearly we now believe that we are grown up enough to handle our own affairs and do not need the "sober second thought" of unelected politicians.

* (1700)

How then to replace it? Well, the Triple-E Senate idea has been floated around. Although it floated around for a little while, I think it is an idea that is bound to sink out of sight. Considering the numerical predominance of Ontario and Quebec, there is no reason that these provinces should be expected to accept much less than their share of the population in a new Upper House, and certainly not a mere 10 percent as would be envisioned in the Triple-E idea. I think we can safely dismiss that lightweight idea.

Another alternative of course is to simply abolish it. This has the benefit of simplicity but ignores the reality that in federal states there is always an Upper House that is intended to be more representative of regional as opposed to national interest. I personally lean more to something resembling the German Upper House where Upper House Members are elected as part of the state elections. The composition of the Upper House changes with each state election.

Another alternative is to have them chosen by the provincial Governments. Either way they act as a balance representing regional interests against the national interests, which are to be defended by the House of Commons. There are a number of different alternatives. Whatever the solution, I think one thing is clear. The status quo is an embarrassment to this country and an appointed Senate has to go.

Let me move on to what I call second generation rights. This may be a phrase that seems foreign to you, but it is one characterization I have heard of, a second set of rights that have been or are being recognized. I say second in chronological order. The first set of rights of course were the rights of the individual as opposed to a powerful abusive state or at least potentially abusive state. Most of these limits are now embodied in the Charter of Rights and rightly so. The second generation of rights will include such rights as the right to adequate housing, supporting in one's old age and adequate wage for one's work, medical services, et cetera; in other words, the essential services and protection of a modern welfare state.

Many of these rights are embodied in the universal declaration of human rights to which Canada implicitly subscribes by virtue of its membership in the United Nations. Now most of us will accept these institutions as basically good things, but are they rights? I would submit that freedom from the harshness and tyranny of the free market, i.e. the absence of these institutions, is every bit as important to one as protection from abusive or excessively intrusive Governments.

The original thinkers who developed the first generation rights, Jefferson, Hobbes, Locke, never considered the free market to be an oppressive thing, but I think that we all know that left to its own devices it can be, hence our protection of the less fortunate, the less powerful.

My proposal then is that these rights also be recognized in the Charter as equal importance to those already enshrined.

Actually I feel that I am paraphrasing what I have heard the last two speakers say, which is they were calling these collective rights but, you know, I am just characterizing it slightly differently or using paraphrasing possibly, using different language.

I would foresee the practical effect of placing such rights within the Constitution as being the possibility of legal actions against Governments which attempt to eliminate such institutions or whittle away at them by imposing medical user fees, for example, or even who endanger them indirectly by allowing deficits to grow. Perhaps the last idea is the most tenuous, but this would be the practical effect of the inclusion of this sort of right in the Constitution.

This proposal is a rather novel, radical idea. I would be very surprised if it were adopted in the upcoming round of constitutional negotiations, but I hope that by placing it on the agenda at this time that the outrageous radical idea of 1990 will become accepted and unquestioned in 2010.

Let me talk for a little while about the Allaire report. Some people might not want to hear this or might disagree with my observations, my assessment, but I think one of the constants of Canadian political thinking has been appeasement. You can call it realism, you can call it a safe middle course, but the reality is that appeasement is the Canadian way of doing things.

Many have said that Prime Minister Mulroney has effected a change of policy by toting to the United States, but I think that such observers fail to note that what he has done is take to the extreme an established practice. Appeasement is also the only way to describe what we do with international investors when they insist that we modify our environment or workplace or tax laws to match those of more backward countries. Instead of instituting exchange controls or putting more of the economy in the hands of employees, we cave in when investors threaten to take their money elsewhere, but I digress. These are examples of appeasement.

I am going to get to the point of how this bears on constitutional change. I think appeasement is the only way to describe the capitulation to the unreasonable demands made by the Bourassa Government at Meech Lake. The Prime Minister's fall-back argument was always, quote, this is required to keep the country together, end quote. Now, he may have been right, but I do not think it is much of an argument. If your spouse, for example, if one's spouse told you that he or she insisted that you turn over your pay cheque and stay at home and be a good boy or girl, while he or she went partying and had half a dozen lovers, I do not think that you would say, yes, to "keeping the marriage together." I think that would be the time to pack it in.

I would analogize that to the situation with the extremely unreasonable demands of the Allaire report. I suggest that we should not say yes to the Allaire report or any modified version thereof to "keep the country together". Quebec must be told to accept the constitutional status quo or something fairly similar or whatever we agree on collectively, you know, negotiating between all provinces and the federal Government or, alternatively, go.

The Allaire report proposed a country more decentralized, I submit, than any other on this planet. I challenge Members of the committee to find a country where the central Government has exclusive jurisdiction only over customs, defence, currency and the public debt which is what the Allaire report proposed. Not even Yugoslavia has that loose a federation, and Yugoslavia is a fairly decentralized country.

To put it simply and bluntly, Quebec has made the series of unreasonable and excessive demands which must be rejected. If that means that the province leaves Confederation, so be it. Now Premier Rae of Ontario said that Canada without Quebec was unthinkable. That is another way of saying that we will give them everything they want. Canada without Quebec is very thinkable.

I do not particularly like the idea. I used to live on the border of Quebec. I am fond of Quebec and of Quebecers, but I think that it is more thinkable to have Canada without Quebec, than it is to have the sort of decentralized country envisioned by the Allaire report. Quite frankly, it is also a lopsided—asymmetrical is the word some have called it—federalism whereby the Quebec Assembly would have the right to veto legislation and other provinces would not. So I suggest that now is the time to stop the appeasement.

Lastly, I wish to address the question of aboriginal rights. Now I am going to dispense with what I have actually written here, because I think I have not expressed it terribly well. The notion of aboriginal rights, I think, is a somewhat unusual one. I think, by all means, that we should have settled, we should have settled decades ago, all the land claims, but the status quo in relation to aboriginal rights effectively grants Native Indians rights over and above all other Canadians by virtue of their race or by virtue of having been here longer than anyone else.

Now, I would strongly recommend—and this is not really something that can go in the Constitution—that the Governments when they are settling the remaining land claims which as I say should have been settled decades, a century ago, ought instead of opting for subsisting ongoing rights, should instead opt for past settlements to recognize the value of the land. The problem with aboriginal rights is that Native Amerindians insist that they are independent nations. They certainly were when they signed the agreement, when they signed the treaties, but if they are independent nations then how can they participate in Canadian public life? How can they use services in Canada?

I think that Native Indians should be given the option, if they like, of forming separate nations. They have talked about self-government as an objective. Why not give them—negotiate obviously—a settlement whereby they have a large block of land here and there and be an independent country. Otherwise, I submit that the objective that we should follow is to bring the treaty rights to an end with a cash settlement. Obviously this has to be negotiated and, quite frankly, if the Native Canadians are not willing to negotiate, then it is a non-starter.

I think that it is an anomaly, an anachronism, whereby a certain group of people, because of their ancestry—because it really is because they are descendants of tribes who signed treaties—have more rights, specifically hunting and fishing all year long, being able to cross the border freely and not paying taxes, they are on the reserves—that others do not.

* (1710)

In no way do I wish this to be construed as being anti-Native Canadian, but I do find it an anomaly that Native Canadians can assert both that they are independent nations and that they also are entitled to all the services provided by the modern Canadian state. I am suggesting that if the opposite were the case, it would never be tolerated. For example, if they had less rights, which was the situation that Native Indians did not have the right to vote until the '50s—I will be through in about 30 seconds—and neither did the Chinese, and I am not clear on the date when that changed, but Chinese for many years did not have the right to vote—that would never be tolerated that they would have less rights. That they should have more rights is both an anomaly and, I think really at this point in our history, an odd situation.

I should also add that I am not suggesting that they be assimilated. I am suggesting that, legally, they should either be independent nations with their own territory or should be Canadians like everyone else. That is it.

Mr. Chairman: Thank you very much, Mr. Rice. Any questions? Your concept, sir, of aboriginal transition is not self-government, it seems to me. Shall we say it is self-government in the form—because we know there are many possible forms that self-government could take—of independence?

Mr. Rice: Well, it could be independence if that is what they opted for. Quite frankly, if I were a Native Indian, I would never opt for independence, but I am not, so there you go. It could be independence or, alternatively, if they wish to accept what I have described as a sort of a cash settlement in exchange for their treaty rights, then the same rights as a municipal Government over their own territory. It is really one or the other. Obviously, the present arrangement whereby the Indian Affairs Department owns the land in trust is a paternalistic relation that, essentially, is an insult I think. When I am talking about self-government, it is one of those two options.

Mr. Chairman: Thank you very much, sir.

Mr. Zucawich, I am just not sure, sir, how long your presentation is. We could give you perhaps seven or eight minutes, and I am afraid that would be about it. We are running over our normal agenda this afternoon, and you were to walk in as I understand. -(interjection)- I would not hold out much hope tonight, sir. I think we have about 15 or 16 names on this evening's list. Regrettably, we are in a difficult situation in terms of adding anyone to the list now. -(interjection)- We have in fact cut off the lists, because we just have not been able to manage to go any further than we have with accommodating people. We already have two extra sessions now next week.

Mr. Gerald Zucawich (Private Citizen): Okay. We have a problem here. In order to solve the problem, first we must understand the problem. As I see it, the problem is our Members of Parliament, each representing the people who sent them to Ottawa. If we look at Quebec, they have sent more Members to Parliament, to the Government, than all the western provinces put together over the last 20 years, with the exception of '79. If we look at the current standings, we find that sitting in the Government side, we have 63 elected from Quebec, 24 from Alberta, seven from Manitoba and four from Saskatchewan. Quebec has always had the majority of representation in Ottawa.

Now if the people of Quebec ain't satisfied when they have had a majority of control in the Government, what does that say for the people they have elected to Ottawa? They do not represent them anymore. If the people want to separate, and they have always had control in the Government in Ottawa, where is the problem? Do you understand the problem? The only way to solve this problem is, when we send them to Ottawa they no longer are controlled by the people who sent them there, because the Prime Minister must sign their returning forms and controls them. If they do not do what he says, we basically have a dictatorship. He has too much control of the Members of Parliament.

In order to solve this problem, the only thing I can see is if we take roughly a third of the Members of Parliament and elect them at large and distribute them, let us say, 10 per province, take 30 percent away from being representative by population and elect 30 percent on a representational basis by the provincial affairs. These people would be elected and would not be caucusing with any of the three political Parties but would be independents. Therefore, we will always have basically a minority Government which has always proven to be the best form of Government. Anything that would be proposed in Ottawa would have to be basically agreeable to the majority of people.

I totally agree that the Senate should be abolished in this situation. As far as Native rights are concerned, this problem should have been dealt with a long time ago. At this stage, I do not know what we can do to solve this problem. The people we have sent to Ottawa to solve this problem have not been doing it, and I do not see that they ever will solve the problem. Now, maybe if we send some different Members to Parliament that are not controlled by the Prime Minister in Government, that are backbenchers basically, who have a free vote and a free say on things in the House of Commons then maybe we will get something done in this country.

I do not know what your proposal is or what your idea was. We had hearings here on the Meech Lake Accord, and the majority of the people said they did not want it, and yet as far as I understood your last task force, you went along with it and said we must have Meech Lake. The federal Government said we must have Meech Lake. The hearings did not stipulate it, the majority of people said Meech lake had to be scrapped. The political Parties were told. They went to Ottawa and said no Meech Lake, we must have changes. They went to Ottawa and they capitulated. Why? They no longer represented the people once they got to Ottawa. It amazes me that these people get elected, and then once they get to Ottawa they are under the control of the Prime Minister. How do you propose solving this problem, or do you think it is a problem? I told you my solution.

Mr. Chairman: Well, I guess we are here really to listen to you, sir. Just a couple of things, if I may. First, Quebec has 75 seats in the House of Commons, and Ontario has 98 seats in the House of Commons.

Mr. Zucawich: Elected Members of Parliament, I said. I do not care how many the province has. How many are sitting in the Government?

Mr. Chairman: You mean, how many are in the Government majority at the moment?

Mr. Zucawich: Right. At any time over the last 20 years, how many have been sitting on the Government side, whether they have been—Quebec has always been represented to a greater extent than western Canada in the Government, I said, not from the province, but in the Government. They are still not satisfied. If the West had the amount of people elected to the Government side over the last 20 years, this country would not be in the mess it is now.

Mr. Chairman: Well, I guess that is a matter of the choice of the voters at election time, is it not?

Mr. Zucawich: It is the system that is wrong. We can send all the Members to Ottawa that we want in the West and it does not amount to a hill of beans, does it? Quebec has always had more people represented in the Government than the four western provinces put together.

Mr. Chairman: Not any more. Quebec has 75 seats and the West has more than 75.

* (1720)

Mr. Zucawich: No, no, in the Government. How many people are elected on the Government side?

Mr. Chairman: Well, I do not want to argue with you, sir, but that is a question of the electors' choice; that is the choice that people make in an election.

Mr. Zucawich: This is what I am saying. Quebec has always elected people to the Government and they are still not happy, so giving them more representation and more powers, what good is it going to do? They will never be happy.

I would gladly see Quebec separate and lose all the powers that they have, the Senate seats, the representation they have in Ottawa and all the Members from that area. It would be much better for the rest of the country if Quebec would leave, in my opinion.

Mr. Chairman: Now I think we see what you are recommending.

Mr. Zucawich: What?

Mr. Chairman: Well, that Quebec should separate from the rest of Canada.

Mr. Zucawich: Certainly. If they send all the people to Ottawa—they created this problem. The people in the West did not create the problem, they are not in Government. The people controlling the Government are out of the province of Quebec, and they are not happy. Why? They elected those people to Ottawa to run the country, and they are still not happy. Why do they want to leave?

Until you think about that problem, you will never have an answer.

Mr. Chairman: Are there any questions? Okay, thank you very much, Mr. Zucawich.

That is the end of our session for this afternoon, ladies and gentlemen. Thank you for joining us, both those of you watching on television, VPW or Videon Cable and those who are in our audience and presented this afternoon.

We will be returning at seven o'clock this evening for another full slate of presentations. Good afternoon.

* * *

The hearing took recess at 5:23 p.m.

After Recess

The hearing resumed at 7:05 p.m.

Mr. Chairman: Good evening, ladies and gentlemen. Welcome to our third session of today, the Manitoba Constitutional Task Force looking for your views on the subject of Canada's future and the future of Manitoba within this country.

We enjoyed a number of presentations both this afternoon and earlier today, this morning. We have a full list of presenters for this evening, and we look forward with great interest to the views that you will share with us. I am pleased, in addition, to welcoming those of you who are here with us in Room 255 of the Legislative Building, to say a warm word of welcome to those who are watching on Videon and Greater Winnipeg Cablevision Channel 7.

The rules for presentation are very simple. We ask you if you would come up and join us at this table when your name is called. The requirement is simply that you share with us your views. If you have a written presentation, we would be happy to have that ahead of time so that we can see that the Members of the task force have copies. There is a time limit on speeches of 20 minutes. After 15 minutes, there will be a single bell that will suggest obviously that you have five minutes left—after 20 minutes, a double bell. At that time, we would ask that you would be kind enough to draw your remarks to a close. There will then be an opportunity for Members of the task force to ask questions. Sometimes they do, and sometimes they do not. The fact that they do not should not be taken as any negative reflection on your remarks. It may be that it is very clear what you are saying to us, and no amplification or follow-up is needed. On occasion, quite often, there will be one or more Members of the task force who wish to share something with you in a question-and-answer session.

We are providing child care, translation English-French, French-English, American Sign

Language. There are also amplifiers for those who may feel that would assist their hearing process a little.

We are now ready to begin, all save the introduction of the task force. It is my pleasure to introduce my colleagues to you, the ones who are with us this evening. On my left is Ms. Jean Friesen, who is the New Democratic Member of the Legislature for Wolseley. Next to her, Dr. Gulzar Cheema, who is the Liberal Member of the Legislature for The Maples. On my right, at the end of the table, Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. Next to him, the Honourable Jim McCrae, the Conservative Member of the Legislature for Brandon West and Minister for Constitutional Affairs, Minister of Justice in the Government of Manitoba. On my immediate right, Mrs. Shirley Render, who is the Conservative Member of the Legislature for St. Vital. I am Wally Fox-Decent.

Ladies and gentlemen, I would ask that Oxfam-Canada presentation be now made, and that will be given to us by Ms. Susan White. Good evening, Ms. White.

Ms. Susan White (Oxfam-Canada): Good evening. Thank you for giving me the opportunity to speak to you this evening.

Oxfam-Canada appears before you today to support the objectives of the aboriginal people and their organizations to obtain full and equal participation of the First Nations in the Canadian constitutional process.

As an international development agency, Oxfam-Canada is committed to a development process which recognizes the imperative of social justice, a sustainable environment and the equality of all people. In addition to its extensive international program, Oxfam-Canada works with community groups across English Canada on issues of anti-poverty, anti-racism, gender, development and the economy.

Oxfam-Canada has a history of providing material and educational support to the struggles of aboriginal people in Canada for full voice and participation in the development of this nation. Our work dates back to the Mackenzie pipeline inquiry in the early 1970s.

* (1910)

As an organization, we are committed to the right of oppressed people to self-determination, in other words, the right to define the essential qualities of their own lives and to achieve their own goals. The right to self-determination includes the security of human rights, cultural expression and freedom from war and violence.

Oxfam-Canada, as an international development organization, has a unique perspective based on our international and domestic history with indigenous peoples. In particular, our extensive experience in the struggle against the racist system of apartheid has become a strong beacon for guiding our support of the Canadian Native people in their demand for a full voice and participation in the constitutional future of the Canadian people.

The Assembly of Manitoba Chiefs and the First Nations in Manitoba have brought their urgent concerns regarding the Canadian Constitution to our attention. They have articulated six principles which they feel are critical for constitutional justice.

First, the recognition of aboriginal peoples as the fundamental and original characteristic of Canada.

Second, the recognition of aboriginal peoples as distinct societies with protection for aboriginal languages, cultures, traditions and institutions.

Third, the recognition and protection of the inherent right of self-government of aboriginal peoples.

Fourth, the recognition and protection of their right of aboriginal title.

Fifth, the fulfillment of all treaties, including the land claim agreements signed between the aboriginal peoples and the non-aboriginal Governments.

Sixth, the right of aboriginal people to participate as equals in the process of constitutional change.

It is Oxfam-Canada's strong position that a durable and workable constitutional agreement must include and be seen to include all Canadians and must recognize the First Nations as one of the founding peoples. Aboriginal people have been waiting too long for full participation and recognition in the Constitution.

Through our work with project partners in many developing countries, Oxfam-Canada has supported the work of indigenous peoples to effect real change in their legal and material situations.

In redressing the historic injury and continued imbalance of the colonial conquest and its racist institutions and systems, we are working in support of full voice, full participation and full recognition of aboriginal people in Guatemala, in Peru, in South Africa and in Canada. Concretely, this has meant pressing that aboriginal peoples be fully recognized in legal systems where they are inadequately recognized or ignored.

Globally, the statistics for aboriginal people are abysmal. Both in the Third World and in advanced industrial nations such as Canada, aboriginal people have been pushed to the bottom of the social ladder. Unemployment rates are high; incomes are low. Basic services, such as electricity and running water, are scarce. Imprisonment rates are among the highest in the world. Massive problems with alcohol and high suicide rates are faced worldwide by aboriginal peoples.

Indigenous lands are under enormous pressure from an ever-expanding industrial economy which is probing every corner of the globe for new resources. Lands once considered worthless desert or inhospitable jungle, suitable only for reservations, are now natural resources frontiers.

Canada has seen aboriginal peoples engaged for decades in long-term battles over land claims, mineral rights, resource extraction, hunting and fishing laws and lately, low-level military flights over Innu lands in Labrador. While we delay fully including Native people in constitutional decisions, we allow a massive assault by forestry, hydro-electric and military projects on traditional aboriginal territory. Governments in Canada have long perpetrated the heritage of colonialism and have remained indifferent to the fundamental concerns and demands of Native people.

In the impoverished and war-ravaged country of Nicaragua, indigenous people have written into the Constitution rights and powers regarding self-government, land resources, education, health and public services.

Here in Canada, the Canadian Government and First Ministers have so far neglected to make the same guarantees for aboriginal peoples in our constitutional process.

If our Constitution is to be durable and have integrity, it must be built with Native representatives among its architects. That building process must begin now. Elijah Harper, the Assembly of Manitoba Chiefs and the First Nations in Manitoba have sent the strongest possible message to the Government and to the Canadian people. Never again will aboriginal people be excluded from their rightful place in negotiating constitutional change in Canada.

By their actions and their strength, aboriginal people have pointed clearly to a better future. They have said, quote: We are different, and we have the right to be different. Aboriginal people have said: We are a culture, a distinct society, and we must be recognized.

They are demanding the political space, support and understanding to pursue their right to self-determination, which is founded on their historical presence in these lands.

This desire of the aboriginal people for full participation has found an intense resonance in the democratic aspirations of all Canadians, and the desire of each of us to participate in shaping our land and its democratic institutions for the future.

Canada's approach to legal and constitutional change must begin with the recognition of the disadvantaged position into which the First Nations have been thrust. Action must be taken now.

In line with Oxfam-Canada's 30-year history of support for self-reliance and democratic development abroad and with our experience of support for the voice and participation of aboriginal people in development in Canada, we respectfully ask that this task force recommend to the Government of Manitoba and, through its representatives, to the Government of Canada that the process of constitutional change in Canada be opened now to include the First Nations as full and equal participants in the process of negotiation and decision making.

Mr. Chairman: Thank you very much, Ms. White. Are there any questions?

Ms. Friesen: This is just a clarification. Are you presenting this on behalf of Oxfam-Canada or the Manitoba branch of Oxfam?

Ms. White: No, this is presented on behalf of the national organization.

Ms. Friesen: The national organization, thank you.

Mr. Chairman: Any other questions? Thank you, again.

The next presenter is the Council for New Canadians. John Ishmael is the presenter.

Mr. John Ishmael (Council for New Canadians): Good evening, everyone.

Mr. Chairman: Good evening, sir.

Mr. Ishmael: This mike?

Mr. Chairman: Yes, take your pick. Do you have a written presentation, sir, that—

Mr. Ishmael: I do. I think they are trying to photocopy it now.

Mr. Chairman: Very good. It will come to us as you go along, so you might be prepared to make a beginning.

Mr. Ishmael: Okay. As the head of the Council for New Canadians, my perspective in making this presentation will be from that of that largely inarticulate, almost invisible nation of new, mostly Third World Canadians. We at the CNC do not intend to try to speak on behalf of the other disadvantaged nations that live in Canada. We recognize that, as new Canadians, our home is mostly that of the Native peoples' lands.

We Canadians need a considered difference between the state and nations within the state. Canada, the state, contains many different nations. It is not a nationally, culturally, linguistically or racially homogeneous state, and because of the state's unjust treatment of some of these nations within the state, it has become a country at war with itself. It has become a country which is disturbed, which is seeking a road to harmony.

Some of the nations within the state of Canada are the Anglos, the French, the Native and Inuit people, but Canada is also a host of this largely undefined and inarticulate nation that I spoke of just now, comprised of new, mostly Third World, non-white Canadians. Canada, the state, needs to provide equal opportunity to these nations in order for justice and harmony to be achieved. Much of this equality of opportunity can only be achieved through autonomous arrangements with the major nations.

* (1920)

The primary struggle within Canada, which has created the constitutional problems that we have, has been primarily between the Anglo and the French nations. It is only recently that the aboriginal nation has made its voice effectively heard. The recent Meech Lake Accord was an attempt to settle the dispute between these two primary nations while still providing the current, the present federal Government with the significant Quebec vote in order for it to retain control of the reins of the state. In its attempt to do so, it made a deal to Palestinize the Native nations through the Meech amendments and to settle this dispute while still providing the current federal Government with control.

Now that the Meech has been killed, the Anglos and some of the French are attempting to implement the same accord, the spirit and the letter of the Meech through the back door. The Anglo-dominated federal Government has offered each province many of the rights offered to Quebec in Meech Lake, particularly control of immigration. Obviously, the Council for New Canadians sees some pretty dangerous precedents if the spirit of Meech Lake continues.

A brief analysis of Meech Lake's racist intent is essential to this presentation. This brief presentation, this brief analysis, is this: Had the Meech Lake constitutional amendment been approved, Canada would have become the third western country to have enshrined racism in its Constitution. This is a message that I had presented previously, back in 1988 when Members of the Manitoba Government were present, Members of the NDP and Members of the Liberal Party.

We eventually had the spectacle of Manitoba Leaders eventually supporting what we consider to be a racist constitutional amendment. It is only Mr. Elijah Harper's "no" and the eventual tacit approval of the NDP in Manitoba which saved Canada and its minorities, or at least gave reprieve to these minorities.

With regard to immigration, the distinct society clause, when coupled with the surrender of most immigration policy to Quebec as part of a constitutional amendment, creates a binary weapon, because most non-Quebecers are offended at the distinct society clause for the wrong reasons.

If you look at the distinct society clause of the Meech document, it says that the Government of Canada will guarantee that Quebec gets immigrants equal to its percentage of Canada's population plus 5 percent, and that the Government of Canada will surrender to Quebec all immigration services for reception and integration, including language and culture, and will pay Quebec for providing its own brand of services even though citizenship remains within the control of the Government of Canada.

This constitutional task force needs to really consider the impact of control of immigration by the provinces. For example, with the recent accord which is now being implemented bilaterally with the provinces, if the immigration quota for Canada in 1991 were, let us say, 200,000, and if our Government guaranteed that Quebec would receive 25.4 percent plus 5 percent—that is 30.4 percent—or 60,800 immigrants, then a distinct society clause would give Quebec the right to demand that all French-speaking immigrants settle in Quebec.

It would then coerce those immigrants with its own economic or legislative Acts to remain in Quebec by making it costly for this immigrant to relocate. It would even be within Quebec's constitutional right to hinder the emigrant's citizenship by legislation which abrogated residency in Quebec. The distinct society clause or any distinct society clause as a constitutional amendment would at the very least be equal in value to our Charter of Rights within the province of Quebec.

Quebec would also be able to demand a first choice of selection of immigrants and would select for immigration whites primarily, as well as the best-trained and the best-educated immigrants. Canada would get the rest. Quebec would, for all practical purposes, have had this because their Government had guaranteed that 30.4 percent and because Quebec could issue its own guidelines for the selection of immigrants using the Cullen-Couture protocols plus the explicit control of non-citizenship immigration services which were guaranteed by Meech. Then each year, because of the compounding effect of the guaranteed percentage share of Canada's population plus 5 percent, Quebec would have been able to increase its population at the expense of the rest of Canada. This constitutional amendment is racist. It would immediately have produced these additional results.

Quebec could fund non-French speaking or French-speaking non-whites more poorly than those who fit its distinct society guarantee for baby bonuses, education, business loans, child care subsidies and the like. It would have been able to do so constitutionally if our Government had passed this legislation.

Now, Quebec has already set the pattern for linguistic discrimination. Just consider these logical steps: A white French-speaking pregnant woman would receive special unemployment benefits, enhanced baby bonuses, subsidized housing or other socially engineered benefits to increase its distinct culture. The non-white woman or the non-French speaking one would be denied the same benefits, and this would not have constituted legal discrimination. Women in Quebec would have been turned into baby factories through economic coercion provided by agreements such as the Meech agreement.

If you look very carefully at what the current immigration situation is with the bilateral agreements with each province, if our Government were to give Quebec the, as it appears to have done, the percentage of its population plus 5 percent, if Quebec were to find, let us say, of the 200,000 immigrant applications, only half of its potential 60,800 suitable for its distinct society, that would be equivalent to 30,400. Yes, you have seen it. What would happen to the other 169,600 new immigrant applicants? We would have to say "non" to 100,000 potential new Canadians. We would have to or be in breach of the new racist Constitution. In other words, 100,000 immigrants would allow our Government to guarantee Quebec's 30.4 percent or 30,400.

* (1930)

What would have happened if Quebec accepted only, say, 15,200? You can figure out the math. Our concern with the provision, with the relinquishing of immigration controls to each province, is that we have to ask what type of immigrants would get the heave-ho from each province. Non-Anglo immigrants or sponsored or family class immigrants would be degraded almost immediately. We feel that if any province or provinces retain such control over immigration, then those provinces which accept the mainly non-white rejects of provinces such as Quebec would be faced with social unrest because of the concentration and probably the ghettoization of new non-white Canadians in a few have-not provinces such as Manitoba.

Also any attempt to give Quebec control over Canada's immigration policy would guarantee that Quebec would become the largest province by population based on the assumption of Quebec accepting its full proportionate share of new immigrants and with the social engineering which would have been implemented with impunity from the Charter.

We refuse to believe that the 11 educated white Premiers and Prime Minister who, in 1987, supported by a cadre of advisers learned enough to sign a legal opinion about Charter rights and a distinct society clause, did not understand the significance of this immigration policy. We believe they did understand this policy. In Manitoba we are pretty concerned with why Mrs. Carstairs and Mr. Doer brought back the spirit of Meech Lake.

With regard to Quebec gaining immigration control, we are also concerned about something such as a law of return which would provide automatic residency for any Francophone in any part of the world. Another country has already provided the constitutional basis for such legalized racism 40 years ago, so this is not far-fetched.

With regard to the territories, what would have caused these same good men to amend the Canadian Constitution so that it would, after Meech, require unanimous consent for the people of the territories to become equal as a province? What earthly reason? The Canadians of the territories are largely aboriginal peoples. There is no other honest explanation unless we want to emulate Mr. Mulroney's rambling monologue as he dissembled about why he omitted the phrase promised to Premier Wells from the final document in June of 1990.

We feel this was a pre-emptive constitutional move to preserve the face of English Canada while Quebec preserved our French visage. It was in effect a division of the spoils. Our concern is that this well-crafted amendment, this Meech Lake amendment, this well-thought out document which we think is racist, signed by 11 leaders who clearly understood the nature of the document which was being signed, may be reintroduced in another form in Canada. If that is so, all Native people, all non-whites, Canada and decency would be lost.

We would like to make some recommendations and those recommendations are positive.

That the national immigration policy be set by the federal Government and not by each province.

That the notwithstanding clause of the Constitution be removed, if that is possible, through a change of the Constitution.

That a Charter of Rights be supreme over any distinct or even multicultural clauses.

That aboriginal rights be guaranteed through measures such as autonomy.

That women's rights should be more firmly guaranteed and that the formula should be worked out entirely by women.

That children's rights should be defined in Canada and children's rights should be guaranteed and that the formula for such rights be worked out primarily by mothers.

That a French nation should be granted full autonomy, provided that aboriginal rights within the present borders of Quebec are first defined and guaranteed by the federal Government.

That multicultural rights should be defined and guaranteed.

That the Constitution should be amended only through totally open, public process.

I thank you for allowing me to make this presentation.

Mr. Chairman: Thank you, Mr. Ishmael. The first question will be from Dr. Cheema.

Mr. Gulzar Cheema (Member for The Maples): Mr. Ishmael, thank you for your presentation. I just want to ask a couple of questions. My first question is: Can you give me some background information on this Council for New Canadians? What kind of organization is that and what is the membership?

Mr. Ishmael: Dr. Cheema, the Council for New Canadians was formed in the heat of the Meech Lake debate. It was formed around May of 1990. It is primarily non-white Canadians who make up the Council for New Canadians. It is about 80 percent non-white.

The Council for New Canadians exists only at this time in Manitoba and in Ontario. We are working toward setting up a council throughout Canada. I have just came back from Ontario where I set up the chapter there. We have mailed our purposes and objectives to the three political Parties in Manitoba, and I would be happy to arrange to send you an information kit.

Mr. Chairman: Go ahead, Dr. Cheema.

* (1940)

Mr. Cheema: Mr. Ishmael, your presentation has repeated a number of times that this last Meech Lake was a racist document. Can you tell me in your perspective what has to be done now that we are discussing the new thing, and what is the definition for a multicultural right in your view and in the view of your organization? How would you like that, from your point of view, to be defined?

Considering what is happening in this country recently and in the past, too, I think we have to define what is a basic multicultural right because that definition is very blurred, everyone has his own view and everyone is becoming very expert on multiculturism. I think this is having some beneficial effects and some very negative effects. I would like you, if you would not mind, to explain to us, from your point of view, what is the definition of a multicultural society and why the circumstance always comes that new people who are coming to this country are basically non-white. That may not be true if you look at the breakdown of the new Canadians. They consist of every colour, every race, and every ethnic background.

I just want to know, from your point of view, where did you get those statistics, so that I can educate myself and maybe the rest of the people who are watching and who may get an impression which may or may not be true. I think it is very important because you have made the statement.

Mr. Ishmael: Well, Dr. Cheema, that is a heck of a long question, but you are absolutely right that we do not know what multiculturalism is. It has been a nice slogan and it has gotten a lot of grants to lots of the multicultural groups. This much I know. This is one of the reasons why I have asked this assembly to consider to define what those multicultural rights are.

What the Council for New Canadians is trying to do is to struggle to come up with a charter of rights for multiculturals. What we are convinced of, however, is that the Canadian Charter of Rights must reign supreme over all of these other rights such as distinct rights and multicultural rights, whatever they are. Philosophically, multicultural rights—and bear in mind the perspective of most of us who are not Anglo-Canadians—should be based on justice and fair play, and many of us feel that justice and fair play are not readily available to us.

We do not feel that the new multiculturals form as distinct a nation as the nations that we have found in Canada. Remember our perspective: We are new, like you are. We have come here. We are so aware that the aboriginal people, the Anglos, the French were here before we came, and we are trying to find a place within this democratic society. I think what we want is a system of entrenched justice and fair play.

I think you asked as part of your very lengthy question why it is we believe that the spirit of Meech was racist. The presentation that you have spells out one primary perspective, and that is the immigration perspective. The secondary perspective—and I said that we are not presumptuous enough to want to speak for the Native people—was that we feel that one of the most important purposes of Meech Lake after the control of immigration was to make sure that there was no province in Canada that was controlled by aboriginal peoples, and that is the primary reason that we can think of why there was an attempt to change the Constitution of Canada to the unanimity clause regarding any new provinces being formed.

Mr. McCrae, whom I admire—he does not know me, but I admire him greatly—has received this document, and I had asked him to consider the implications of what I was saying just in case my analysis was way off base. I hope I have answered your questions.

Mr. Chairman: Thank you, sir. I have just a footnote, if I may. You probably know that the Government of Canada and the Government of Quebec signed an immigration agreement last week which was substantially the same as what had been suggested in Meech Lake, although the detail is not in Meech. It is only the proposal to allow individual provinces. I take it your advice to us is that Manitoba should not follow suit.

Mr. Ishmael: Manitoba should not follow suit. We should, as quickly as possible, permit the nation of Quebec to be autonomous because in its attempt—its legitimate attempt—its natural, legitimate and understandable attempt to be a nation, it is inflicting tremendous damage on the rest of Canada because if we, in Manitoba, were to try to obtain the same kind of control of immigration that Quebec has negotiated, we would be exposing ourselves to some pretty bad possibilities. Thank God that what was signed was not entrenched in the Constitution of Canada.

Mr. Chairman: Thank you very much, sir.

Mr. Ishmael: Thank you, sir.

Mr. Chairman: The next presenter is the Manitoba Peace Council represented by Mr. Don Browne.

Mr. Don Browne (Manitoba Peace Council): Again, thank you very much for the opportunity to appear because of this serious matter which the task force is prepared to discuss.

The thread through my presentation—I believe you have copies—is really a sense of belonging. Without a sense of belonging, people do not appreciate, cannot enjoy the kind of living experiences that are expected of all of us. The sense of belonging, when it is absent, leads to situations—and as an aside, I was at a case conference a week ago yesterday with Dr. Cheema, with a woman in a wheelchair. The obligations we were trying to get at that conference were to provide adequate need, reasonable need, for this young woman. We all, the 10 of us from various agencies and political persuasions, recognized our society does not prepare for the resources for the sense of belonging. That is really the essence of what the Manitoba Peace Council is trying to say in our presentation today.

The Manitoba Peace Council is 37 years old, is affiliated through the Canadian peace congress with the World Peace Council. Our objective has been, and maintains itself, as an instrument of peace, and I think it is people like ourselves who have been around for these 40 years or so who can take credit all throughout the world, these people, that we have not blown up the place yet.

Lord Durham came to Lower Canada in May of 1838 to investigate the local grievances that followed the Rebellion of 1837. After six month's residence, he returned to England, presented his report which included his view that the problems were racially, not politically oriented. He is quoted: "Two nations warring in the bosom of a single state." The two nations were the French-Canadians and the English-speaking majority. In fact, three nations were in the area, the first being the aboriginals, the Indians, the Anishinaabe, however we choose to address them. These people continue to be the first nation among the three.

This claim of nationhood by the Assembly of Manitoba Chiefs is fully, completely supported by the Manitoba Peace Council. Webster's New Collegiate Dictionary, 1963, defines treaty: An agreement between two or more political authorities such as states or sovereigns, formally signed by representatives duly authorized and ratified by the law-making authority of the state.

Governments are not known to make treaty with groups of their own peoples. We have other names for those kinds of relationships. Treaty is a shared agreement between sovereign and independent nations. Canada and the aboriginals do have more than several of these international instruments of agreement treaties. Another quote: "As long as the sun shines and the water flows . . . ."

The foregoing statements, brief, clear and direct, leave no reasonable room for doubt or dispute. The aboriginals who related to the Crown were and continue to be a nation.

* (1950)

The Indian Act of 1876 had two contradictory goals, protection of the aboriginals from the whites and assimilation of aboriginals into the white society. Clearly, who could comfortably know their place under those conditions?

The incumbent Solicitor General justifies the laying of criminal charges against some 50 aboriginals who participated in past summer's Oka activity. The justification, she asserts, was in their setting the barricades which, she said, is never acceptable. She advised that those people so charged should have applied the "usual methods" of making their wishes known.

The Manitoba Peace Council wants to explore this point, believing it has not yet been presented to this task force. Through the concept of vote as being a usual method of voting concerns, the incidents of enfranchisement as dictated, even forced upon the people of the First Nations, demonstrates the long-endured frustration of these people if we look at the usual methods.

In Manitoba, the majority of women obtained the vote in 1916. Among the excluded were all the aboriginal women. Their compatriots, the men, could not vote just as a matter of course. The Persons Case of 1929 completed the enfranchisement of all the non-aboriginal women.

Status Indians obtained the federal vote in 1960, but enfranchisement was a legal process by which the federal Government enticed the aboriginals to lose their status under the Indian Act. They gave up status by choice or, for the women, by marrying non-aboriginal men.

The voluntary opportunity to vote, while losing status, was the cornerstone of the federal Indian policy, consenting to abandon Indian identity and communal society in order to merge with the free, individualistic, non-Indian community, in a word to become an "Apple."

Laws were passed to force aboriginals from the band lists from 1920 to 1961. Not until 1985 was the Indian Act amended to eliminate this practice, so much for the usual, often called "law and order methods." Imagine five or six years ago did we finally arrive at a situation where this large population did not have to find qualification in order to vote because of their racial inheritance—a sad condemnation.

The recent patriation of the Constitution has stimulated vigorous interests of the aboriginals to be formally and clearly included in the constitutional process. Our constitutional principles require that aboriginal rights, as the aboriginals see these rights, be fully integrated in the planned constitutional discussions. It is not acceptable, not at all, to be an addition after the fact.

The White Paper, 1969, policy proposals ignored the priorities of the aboriginals. That White Paper remains the last overt policy of the federal Government in this matter.

This Manitoba Peace Council again affirms totally the objectives of the Assembly of Manitoba Chiefs as concerns this Constitutional Task Force. Self-determination is the keystone.

In conclusion, the same concepts, the same attitudes, the same integrity must be an overt condition for women to be included in the constitutional developments.

As relates singularly tonight to the Manitoba Peace Council, the matter of peace to withdraw from the Persian Gulf War is another constitutional matter to be addressed. No longer should we be permitted under the Constitution to send aggression elsewhere in the world.

Manitoba, its Government, its citizens must put forward a concerted effort from here on out to these interests included in this brief.

What is to be done?—correct the constitutional disenfranchisement. How to do it? We are not presumptuous enough to lay out details now. Attitude and intelligence are not the same things. We are not appealing to this task force to a matter of intelligence; we are appealing to the attitudes that have permeated this society for so many years that allowed intelligent people to resist the changes that are necessary, that led to instances like Oka, that led to the peace camps we saw on our doorsteps here for the entire summer.

I took some companions to those peace camps repeatedly and most often they were not aboriginal people. I introduced the opportunity for these new people visiting an aboriginal activity and asked them to look around for a few minutes before they mentioned or said anything, then asked a very direct question: What is it that you see here—some 20 or 30 or 40 tents with children and families living day and night in a picnic-type enterprise? What do you see here? There was no trash, no congestion, no fighting, no interference with anybody—a fully peaceful demonstration as to what life can be when the spirits so lead us.

I think you have an important task in front of you, being a task force and the word "task" implies activity. You have to assure that the settlement will be adequate, reasonable and without limitation to this word "freedom." At one of the peace camps, we heard a minister of one of the major faiths addressing the Peace Village participants, and what I remember him saying that stuck in my throat with a great deal of pain and discomfort, he was suggesting that there be more freedom for the aboriginal people. What bothered me most was why add the word "more"? Can we have a little bit, somewhat freedom? Freedom is an absolute condition, so if you have more or less, that can be taken away. Thank you very, very much.

Mr. Chairman: Thank you very much, Mr. Browne. Any questions? Thank you again, sir.

The next presenter is Mr. Dennis Epps. Good evening, Mr. Epps.

Mr. Dennis Epps (Private Citizen): Good evening, ladies and gentlemen.

Mr. Chairman: I just wanted to make my colleagues aware, sir, we had you down as representing a particular Party, but I understand that you are in fact appearing as a private citizen.

Mr. Epps: Well, my intention was to represent the Party, but apparently someone else has, but I do not even know who he is.

Mr. Chairman: There was somebody who made a presentation for the Party last night, yes.

* (2000)

Mr. Epps: That is okay. Ladies and gentlemen, I was originally in support of a Triple-E Senate but feel that things have gone far beyond that now. Quebec is again setting deadlines and making threats. Quebec is a part of all Canada and all Canadians should have a say in Quebec's future. It is time for Canada to stand up and tell Quebec what will be done.

I recommend the following: A constitutional assembly of honest, knowledgeable people be elected with equal-part representation from each province. No current politicians or lawyers. They should draw up a Constitution and it would be ratified by the voters. A referendum would be held with the simple question, do you want Quebec to remain as part of Canada as equals, no more and no less? If the answer was yes, then Quebec would be told, you will remain as part of Canada as equals under the new Constitution.

All persons who then cause trouble with this would then be given a choice, (a) to leave Canada for the country of your choice or (b) remain in Canada and face a charge of treason and possible prison. If the answer is no, then Quebec Members of Parliament would be expelled from the House of Parliament and the terms of separation would be dictated, not negotiated by Canada.

The only people that have the authority to draw up or change a Constitution are the voters, not the Canadian Parliament, the Senate or the Supreme

Court. The Government appears to have forgotten that in a democracy the majority rules. Some day, somewhere, a group will form with a leader and go to Ottawa and teach the leaders the lessons that the knights of old taught King John in England. Do we have to wait for violence to break out before we can change? We hear speeches that we need leadership. We do, but by leaders who are willing to go the way that we the people want to go, not the way that some dictator in Ottawa with only 15 percent of the people behind him want us to go.

All deals made with Quebec should be frozen now and no more money should be spent there until this matter is all settled.

Canada needs a new deal in keeping with the times and conditions of today, not on the myths of Confederation, two founding nations or bilingualism. After all, both ethnic English and French are minorities now, and for reasons of economy, unity and common sense, Canada should have only one official language, English, the language of world science, trade and communication. Government has no right to tell people what language they should speak nor what they should put in on manufactured goods other than it be honest.

The only Bill of Rights that we need is, all Canadians are equal with equal rights and responsibilities. If anyone abuses those rights or fails to accept the responsibility for their actions, then they lose those rights. No more separating of women, handicap, minorities or ethnic groups.

We like to tell the world that we are a free country, but are we? We cannot even own our own homes. Have you ever tried to build a house or go into business? If you do, you will find that you are subject to a whole bunch of petty dictators. We have free speech, but what good is that if no one listens.

I close with respect to the panel. I am a little confused. We pay a whole bunch of Members of the Legislature and Members of Parliament a lot of tax dollars. Is it not their job to find out what the people want and then bring it about? If so, why are we spending billions of dollars on commissions running all over the country holding hearings that never seem to serve any purpose and very few people have any faith in.

Thank you.

Mr. Chairman: Thank you, Mr. Epps. There may be a question, sir. Any questions to Mr. Epps? Thanks again.

The next presenter is Ms. Ruth Breckman.

Ms. Ruth Breckman (Private Citizen): Good evening.

Mr. Chairman: Good evening to you, Ms. Breckman.

Ms. Breckman: I must confess that I have mixed feelings about these hearings. On one hand I appreciate the Government of Manitoba holding such hearings, giving us an audience and hearing everyone who wishes to be heard. On the other hand, I resent that this exercise is necessary at all.

When the Prime Minister and Mr. Bourassa threatened, or promised, as you will have it, that if the Meech Lake agreement failed there would be no more constitutional debate for many years, many of us were greatly relieved, yet here we are not even a year later opening up the whole can of worms once again, and the timing is terrible. Our country is embroiled in a horrible war. On the home front we have serious recession and are trying to deal with the disastrous effects of free trade, and if we were an individual instead of a country, I think our friends would be counselling us not to make any major decisions at this time until we get over our depression.

The timing is bad too for other reasons. Meech Lake is simply too recent. The feelings of resentment and bitterness are still with us. The political climate is even worse now than it was last June. The players are largely the same. Clyde Wells will still be considered a villain. Bill Vander Zalm will still trot along behind the Prime Minister crying, "Me too." The Prime Minister will still be threatening and making his private deals, always in a desperate bid to win favour in Quebec. It even appears as if the process and the tactics will be the same. We have the latest Bourassa ultimatum, the rigid deadline intended to frighten and coerce—Meech Lake revisited. How can anyone expect anything constructive to come out of more of the same old style of negotiations?

Last week the media reported that this committee was a little disappointed in the quality of many of the briefs. They were not positive enough, or they did not contain enough specific proposals. Well, if our briefs are not as well researched or as meaningful as you might like, maybe it is because we are just simply worn out from the entire struggle. We have had the Meech Lake hearings, the Charest hearings, this committee, and coming up soon, the Spicer group sessions. Maybe the amazing thing is that we are here at all and that you are here at all. The fact that so many have made the effort to come to these hearings, even given the unfortunate timing, tells a lot about the dedication and the commitment to Canada that a lot of us feel.

Many of us also feel that we are being taken in and manipulated and that our country is being destroyed by politicians who are hungry for power.

My family visited Quebec this past summer and had occasion to talk at length with people from Shawinigan and Montreal. They were bitter about Meech Lake, but they were also aware of being manipulated by their politicians and also by their media, much the same as many of us felt. The image of the Brantford flag-trampling had been deeply etched in their minds due to the constant television replay of that incident. We were quite shocked to learn that the Quebec media coverage of Meech Lake had been narrowly focused on the distinct society clause. These people had not considered the objections that a smaller province like Manitoba might have to a decentralizing of power. As we discussed the accord, our Quebec friends agreed that Manitoba would have every right to be concerned about the effects of a weakened federal system on our provincial social and economic matters.

Frankly, I have come to resent the whole constitutional squabble. It is becoming evident to me that the Meech Lake demands were closely tied to the free trade deal. I suspect that many deals were made behind closed doors and behind the backs of the Canadian public.

I fear that the entire constitutional crisis was somewhat manufactured. I still have not heard convincing arguments from Quebec as to how that province is suffering under the present Constitution. Their culture, language and economy seem to be flourishing as never before. They have used the Constitution to strengthen their language laws. They already have quite a lot of control over their immigration, and they seem to be forging ahead with their hydro development with little interference from the federal Department of the Environment.

I do not believe that our Constitution is such a big problem. That is not to say that our Constitution should never be revised. Any organization must examine its constitution regularly to ensure that it is meeting the group's goals.

In Canada we do not appear to have an effective means of dealing with constitutional matters. This committee might wish and possibly has already examined Audrey McLaughlin's proposal for a constituent assembly model for constitutional development.

My objection to the present debate is the sense of crisis that is fueling it and the sleazy tactics and motives of some of the politicians involved. I simply do not believe that they have the long range good of Canada at heart.

Our present Constitution can serve us well. I am proud of our Charter of Rights and Freedoms, and I believe it should be strengthened and used to give equality to every Canadian. I would go further and recommend the abolition of the notwithstanding clause.

I am ashamed that it was a Manitoba politician who insisted on that particular loop hole, as it means that the Charter can and has been trampled on.

The distinct society clause in the Meech Lake Accord would of course have allowed for the same results. I am glad that it was not ratified. I would urge this committee to support the supremacy of the Charter of Rights and Freedoms.

* (2010)

Our discussions in Quebec brought about another interesting issue. When we asked the question, "how is the present Constitution thwarting your aspirations," one person in our group answered that this is mainly an emotional issue not so much a practical or an academic one. He went on to say that he was afraid their local politicians were capitalizing on that emotionalism on Quebec's sense of national pride to grab power. He spoke of a growing elitism in Quebec, an elite group of people combining political and economic power. Even with that analysis these people were still being swept along on the emotional wave of Quebec nationalism.

The question is: Should we be swept along, too? Should we be allowing Canada to be dismantled because of the special emotional demands of one province? I think this is exactly what has been happening.

Mr. Mulroney made a deal with Quebec and promised special powers to all the other Premiers if they would go along with it. The promise of power, combined with blatant pressure tactics, brought the Premiers onside but not the people. Meech Lake was never supported widely by Canadians outside Quebec. The politicians were simply not responding to their constituents.

This brings up one of my most serious concerns about our present political system. Our politicians are not representing us honestly in most cases. Party discipline is a higher value than representation of voters' views. This is especially deadly in the governing Party. The Prime Minister rules supreme. If a caucus member publicly expresses an opposite viewpoint, he or she is quickly discredited.

I think it is time to redefine the role of the Prime Minister and the way that he or she is placed into office. Right now we have a mishmash. Our Prime Minister is a cross between an American president and a British prime minister. We saw the Conservative Caucus in Britain dump Maggie Thatcher almost overnight when she lost their support and was seen as a liability, but our Prime Minister wins his leadership at a big "hoopdedo" political convention where he is voted in by partisan delegates. Then he goes to Ottawa and wields unchecked powers until the next election.

If we had the British system, I firmly believe that our present Prime Minister would have been ousted long before he rolled the dice on Meech Lake. The Prime Minister would be more responsible to the people if he were elected by the Government Caucus. The other alternative is simply to let Canadians vote directly for their Prime Minister as Americans do for their president.

Our politicians are letting us down in other ways as well. They are not presenting honest and comprehensive platforms before elections. Major thrusts like free trade, Meech Lake, the GST or the dissolution of communication and transportation facilities should be fully developed and presented to the public before a federal election. Instead, we have the politicians trying to keep Canadians in the dark about policies they think will be controversial. Promises are made here and there to win votes, but they are not given as a package deal, a long-range plan for Canada. We tend to make light of countries that put forward a five-year plan, but I think we need something like that here. Citizens need to see the political Parties as representing some vision of Canada.

Vision, integrity and accountability are sadly lacking in our present system. Will constitutional change improve this?

Some think reform of the Senate will help to achieve better Government, and the catchy phrase "Triple E" is quite appealing. Has it been carefully examined in view of its ramifications? Will it simply move us closer to American style Government without really achieving the goal of greater provincial equality?

On the face of it, you would think that the provinces would have more equality of opportunity if they had an equal voice in the Senate. The American system shows that this is not always the case. The senator from California sure has a lot more clout than the senator from North Dakota. There are still great differences between the have and the have-not states. Senators operate largely on their personal influence. They wheel and deal to gain support, and I wonder if an elected Senate in Canada would not be just another place to dish out patronage.

I agree that the present situation in the Senate is a disgrace. When the P.M. can snap his fingers and pad the Senate to get one proposal passed, no wonder the people of Canada are disgusted. I do not believe that a group of political appointees should block the work of duly elected representatives, and I would vote to abolish the Senate altogether as it now exists. Any move to replace it, however, with any other institution needs a great deal of study and should not be rushed into.

I think that if Canadians are frustrated with the Senate, they are also, well, more frustrated with the Government. I do not know if our Constitution allows any way of forcing an early election, but I think there should be some mechanism for doing that. When a Government sinks so low in the polls and persists in its unpopular and destructive policies, the public should have some recourse and not have to wait several years for the next election.

I believe that right now Canadians are less worried about the Constitution than they are about the Conservative agenda, an agenda which never becomes fully known and debated until it is too late. Apparently, Mr. Mulroney has already put his civil servants to work examining ways to dismantle the federal power structure. In other words, he has already started to negotiate on Quebec's terms as stated in the Allaire report. What mandate has he to do this? He seems to have the power to weaken and destroy our institutions while we stand by helplessly wringing our hands.

The Allaire report looks like a mild version of Quebec separation. I am furious that our Prime Minister and our federal Government is not standing up for Canada. What self-respecting nation lets itself be pulled apart with so little struggle? I am not suggesting any civil war, but I am suggesting a tough stance. I do not think the Government should even consider negotiating from a base as unacceptable as the Allaire report.

If we are actually negotiating separation, then let us call it that and be tough about the terms. Quebec should know that separation will not be easy. The ownership of the northern regions of Quebec, originally Rupert's Land, the St. Lawrence Seaway, the national debt, the many facilities placed in Quebec by the Canadian Government will be contested strongly in every way possible and long legal battles will no doubt result. Quebec should be told that in no uncertain terms.

I would hope that Quebec will remain a part of Canada. I could even see granting more power than it already has in the federal system, but I could never see meeting Quebec's demands for more power if this meant that all the other provinces would be granted the same sweeping powers. Whatever happens with the Quebec situation, I hope that the other provincial leaders in Canada will take the broader view and not see this as a good time to grab power to themselves.

The rest of Canada should regroup and work hard to rebuild a strong nation with a sense of purpose, a country that even Quebec might think twice about divorcing. Someone recently called our federal system cumbersome. Well, perhaps Canada is a cumbersome country, a huge land mass, small scattered population, a lot of groups with strong ethnic identities, a restless, dissatisfied Native population.

I guess that makes us a little cumbersome all right, but most of us love this big cumbersome country, and we do not want it stripped of its heart and soul in the name of efficiency or to satisfy the demands of one member of the group.

I hope that when this committee considers its report, it will look at ways of making the present system more honest and accountable so that Canadians can regain some trust and pride in our leaders and our institutions, but I hope the committee will not look simply at structures. I hope it will look at the Canadian spirit and how that spirit can be given a lift because that, I believe, is our biggest challenge right now, and with the right spirit, there may be a chance that we will hold together and rebuild a nation we can be proud of. Thank you.

Mr. Chairman: Thanks very much, Ms. Breckman. Are there any questions? Your view on the Senate, Ms. Breckman—you clearly are unhappy with the present one and are loathe to see the Triple E as an alternative. Is it then clear that in your view there should be abolition of the Senate? You say that and yet you talk about some other mechanism, and I just wondered if we might just explore that a bit.

* (2020)

Ms. Breckman: I was afraid you might ask me something like that because I know my position on it is somewhat ambivalent, but I am not the only one apparently with that problem. I am certainly not a constitutional expert, but I guess what bothers me is that I have never yet seen this concept of the Triple E Senate really spelled out in terms as a model that I—you know, Mrs. Average Citizen—can understand. That is what bothers me, is that so far it has just been some kind of catchy little phrase that I hear tossed around politically.

I do not like the way the Senate is working right now, but I also do not believe you toss out a basic part of our parliamentary set up without giving that very, very deep thought. I would like to see several models developed by the people who have the know-how, the expertise, and then present these to some of us. We are not altogether stupid. We can react even if we cannot develop a model that we could put forward as sort of a view of a whole new outline.

Mr. McCrae: Your answer leads me to what, I think, is the next obvious question and that is, your question in some respect may already be in the process of being answered about these models. We have been hearing from various presenters about models that they think might work or should be looked at, but the question that comes to my mind is with all these models, who and how will we decide as Canadians which model ought to be the one to use?

That is a process question, and I am maybe asking you then, let us say there are all these models, have you given any thought as to how we should address that and other constitutional questions and I am talking process. There have been lots of complaints about process, and I was there in Ottawa, and I know a little bit about what you are talking about and what others are talking about. Could you just take a minute for that?

Ms. Breckman: Exactly. I felt for instance with the Meech Lake issue that at least Manitoba had the hearings, and a lot of us got hold of the Meech Lake document, and then we got hold of the Canadian Constitution, and we really had a chance to look at it. We could look at the clauses that were in the Meech

Lake thing. I am not suggesting 150 views of a Senate, but if some group comes up with several models and says, now here are ramifications with this and this, this would move us closer to an American system, this would do this, and whatever, I think it would be very useful for the public to have a chance to respond to those. We had a chance to respond to something pretty concrete once we got hold of that Meech Lake document.

Mr. McCrae: You want some kind of mechanism. Once a proposal is out there dealing with this and all of the other issues that need to be resolved, you want some mechanism. You are not being specific tonight about what that mechanism is, but something that allows public input and public say about what is ultimately going to be in the Constitution of Canada.

Ms. Breckman: That is right, and I was proud of Manitoba over that whole Meech Lake thing. Even the Prime Minister set Manitoba up, in the way it had been handled here, as a kind of model. There was a lot of input. I think people appreciated it, and there continues to be a lot of input. You know, for people like me, without the background in political science and constitutional matters, I need something concrete to look at.

Mr. Chairman: Ms. Breckman, just if I may, a couple of comments—first is, you did, however, on process suggest we look at the constituent assembly idea. You made reference to Audrey McLaughlin's reference to that, so presumably that is something you find interesting as a possibility, the gathering of delegates together to propose or to draft constitutional amendments.

Ms. Breckman: Yes, on an ongoing basis and not just as the result of some horrible crisis.

Mr. Chairman: Right. The other thing I was just going to say to you is—I do not for one moment want to appear as an advertiser for the Triple-E group, but there is a Triple-E Senate committee in Manitoba. I note they are presenting tomorrow afternoon to us and probably will have detailed proposals and so on. You might want to either tune in on television or come and join us, whichever.

Ms. Breckman: I will.

Mr. Chairman: Okay. Thank you very much. I am sorry, we have another question for you—Mr. Lathlin.

Mr. Lathlin: One statement and then one question. On page 3 of your submission—I can understand the way the people are looking at their politicians, parliamentarians and so on, because I felt the same way too in June and even prior to June when people said, Gallup polls said, 85 percent of Canadians are against the GST, but it was put through anyway. A lot of people are against Meech Lake, but they wanted to put it through anyway. Free trade—a lot of people were against free trade, but they put it through anyway, so I too became very cynical. On the other hand, a lot of ordinary Canadians today are saying—I forget what the percentage is, but it is a high percentage. Somewhere around 70 percent of Canadians are in support of aboriginal people going for self-determination. The politicians were simply not responding to their constituents. Well, there was one politician here in Manitoba on June 23, who listened to his constituents, and that was Elijah Harper. Then the other question—that was a statement.

The question I had was, your statement here about restless Natives.

Ms. Breckman: Well, I did say restless Natives, the Native population.

Mr. Lathlin: It reminds me of a John Wayne movie.

Ms. Breckman: I know, when you put it that way.

Mr. Lathlin: Can you give us any idea why aboriginal people are restless, dissatisfied?

Ms. Breckman: Well, I think it is very obvious. We had some good briefs here tonight that brought out the issues of the state of the aboriginal people. I did not get into that specifically, but I certainly endorse the moves of the aboriginal people to gain the rightful status that they deserve. I was just putting that out as one of the big problems that certainly has to be looked at. I agree with you, it is going to be a big issue that we have to address. I hope this committee will look at that. There were a lot of people presenting briefs specifically on that issue.

Mr. Lathlin: Would you recommend that the right to self-government be entrenched in the Canadian Constitution?

Ms. Breckman: I would want to know what you mean by self-government, the same as I feel I want to know what is meant by the Triple-E Senate or what I wanted to know about distinct society clause. I would want to know what that meant.

Mr. Lathlin: This is my point; 85 percent of Canadians did not know what GST was all about. The majority of Canadians did not know what Meech Lake was all about. The majority of Canadians did not know what free trade was all about, but here we have it.

* (2030)

Mr. Chairman: Thank you very much, Ms. Breckman.

Mr. Herb Schultz. Mr. Bernie Wolfe. Hello, Mr. Wolfe. Welcome.

Mr. Bernie Wolfe (Private Citizen): Welcome. It seems we have done this before.

Mr. Chairman: Yes, sir.

Mr. Wolfe: First, let me say that I consider it a privilege and an honour to be part of something as important as what this panel is doing. I say that because it says "private citizen" and that is right.

I have had the advantage of travelling this country from one end to the other and into the very high Arctic, have come to know it, and more important, to love it and love it well. Also, the advantage I have is that April of this year my people have been in this province 150 years, so I feel that I am at home here.

If I can quote a very important and highly recognizable individual by the name of Bryce Mackasey—during the 1980 referendum, he issued a little pamphlet, and it is entitled "Canada at the Crossroads: Le Moment de vérité—The Truth is Now." It is strange that almost nine or 10 years later we find ourselves doing a rerun of the same kind of situation. Let me quote Bryce Mackasey, the Member of Parliament from Verdun, a Quebecois and a proud one, fully bilingual and as tough an MP as I ever knew or met. He says, the first question we should ask ourselves is: Has Confederation been a failure? He says, I believe that Confederation has been a remarkable success. We have one of the highest standards of living in the world, and our mixed enterprise system has permitted free enterprise to flourish to meet its commitments to the less fortunate and, at the same time, making it possible for Canadians to reach whatever objectives they have set for themselves.

I share that kind of pride and that kind of belief in this country. I am not ready to throw in the towel, because I, too, feel that Canada is at the crossroads, but it needs leadership that will speak with some sense of understanding as to where we have to be going. It needs a large helping of truth. We have not had too much of that.

Earlier, one of the other presenters made the comment about mandate, and I repeat that. No one has the mandate to dismantle Canada or hold a national garage sale of our national programs, our responsibilities and jurisdictions. No one has the right to try to reduce Canada to an empty shell of a nation.

The important items that are of real concern, the social system, the network, the pensions, the welfare and the social assistance programs, the medicare, all those items that are part of the national fabric, you are going to farm them out?

No one, whether it was nationally or provincially, has this mandate to dismantle this country and sell it off in pieces like auction sale.

It cannot become a nation of shopping centres—heaven's above, it is worse than that. If we proceed to follow the suggestions in some of the proposals put forward for consideration by Canadians today, we will wind up less than a nation of corner stores. We will be back at the trading posts where Premiers are trading to see who gets what to inflate their ego and extend their power. That is the whole story behind this exercise.

It is not of a concern for the Canadian people. It is called power. He or she who can control Government; that is what it is all about. It is one continual trade-off. In this unfortunate exercise, Mr. Chairman, Governments at provincial and federal levels have failed to recognize the role and the problems are the repository of our urban centres in this country.

Elected people must be out of touch, completely insensitive, not to know there is a malaise in this country that is domiciled in every city and in every urban city of this country. This is where the poor, the uneducated, those who need help, that is where you find them, and who gives that much of a care about it.

I say to you that urban Canada has been abandoned on the doorstep of political expediency. You do not hear anything about it in the Meech Lake or in the constitutional discussions, because it is deemed to be the sole prerogative of the provincial Governments.

I was once part of a system that was able to put together three national tri-level conferences involving 10 provinces. There was an Urban Affairs Department at the national level and it died, and do you know why? The provinces were afraid the cities might get too much strength, too much recognition, which they needed to cope with the problems, because that is where people are and that is where problems involving people are.

I am also concerned with this sell-off that is occurring. I would like to quote President George Bush: but he is unhappy, he says in his report, that the provinces are still unfair to U.S. liquor. Who worries about that? I am more concerned about the fact that he does not want us to continue to protect our culture and our way of life. That is his concern.

When are we going to stop this continual sell-out? Is it only going to happen when our people in this country are working in a competitive trade area, where the people in Mexico will be paid for one day's work what we pay for one hour's work in this country.

You want a frightening consideration? This proposal that the teams of Deputy Minister's—let me say to you, after some eleven and a half years in Ottawa and having to deal with the PCO and Treasury Board, because they are the people who run this country and the mandarins who literally control, as you have seen in that movie on Channel 3, in the public service television—Mr. Minister.

With respect, Mr. Minister, I can say to you that I have had the experience of coming to cope with the Privy Council office and Treasury Board, because that is the only place you can get things done. Now we have this team put together to work on a new plan to organize Canada. For whom? Not for Canadians. They will be protecting their turf and making deals like you have never seen in your life.

I say, yes, there is a need for a new Canada put together by all Canadians, for Canadians, but do not continue this ultimatum and threats. We have to speak to the world in one voice. Yes, in two languages, no problem. Pour ceux de nous qui se trouve bilingue, ce n'est pas un problème du tout. On reconnait le fait, c'est établi par loi.

(Translation)

For those of us who are bilingual, it is not a problem. We understand this fact; it has been established by law.

(English)

You have two languages, use them. It is not learned off a corn flakes box either. Also, Mr. Chairman, how can you put a country on hold? This is what we have been doing for the last two and a half years. We put Canada on hold while we all talk, discuss, forecast and do a lot of naval gazing. We are distracted from finding solutions to the major problems facing this country—the economy, the need for employment, the problems of the environment. If it gets any worse, you will be able to walk across Lake Ontario. You will not have to use a boat.

We have the problem of free trade. Who is going to make the deal that is going to look after the Canadian interest? Who is going to speak for this country? Is there any faith in the kind of leadership that is now supposedly there to speak for us? Immigration, it is impossible. Mr. Chairman, if you remember, you and I discussed that very point about a year and three months ago. At that point, I said Quebec would never settle until they controlled immigration into Quebec. We have signed the agreement. Everybody else wants the same slice of it.

The difference between immigrating to Canada and immigrating to the United States is you will not immigrate to Texas, or California, or North Dakota, you will immigrate to the United States. You do not come to Canada, now you are going to immigrate to Quebec, British Columbia or Ontario. You are going to be segregated and said that is where you go. How do you build a nation with that kind of fracturing?

Are we just going to buy time? What are we going to do for the next 18 months? I suggest to you, what we have to do is save a country—save a country. We have to go out and tell the truth. I would suggest that Manitoba can give the best example of any province in Canada. This is a province that understands what tolerance, sensitivity and a grasp of the problems that has made this country great.

* (2040)

We have to go to Quebec and tell them the truth. I just want to quote a very brief paragraph from Senator Eugene Forsey for whom I have a great deal of respect. I am sure in the minds of those who know of him, recognize him as the great Canadian he is.

When he was in the Senate, he said he was visited by two school girls from a French language school who had come to ask him questions about the Constitution. They began by saying they understood that the Fathers of Confederation had intended to form only a very loose union, but that John A. Macdonald had got them all dead drunk. When they came out from under the influence, they had discovered they had fashioned a highly centralized federation. He says, of course, I was thunderstruck. I said, where did you get this? From our teacher. I pointed out the whole process had taken two years and four months and that one of the Fathers of Confederation, Sir Leonard Tilley, was a rabid teetotaller and a prohibitionist, and I told him that what the teacher had foisted upon them was positively criminal.

I use that only to illustrate that from my experience of conducting inquiries and holding sessions throughout Quebec and Labrador, the south shore from Matane to even Baie-Comeau and up north into Schefferville, those people do not get the story because of the propaganda that is foisted on them as news through the media, both print and electronic. I found it very difficult to start the morning after having read Le Devoir and Le Droit when I was in Ottawa. It was another world; it was not the Canada I knew; it was not the Canada that existed either.

I say that Manitoba can rise to the challenge and let us go out and tell the rest of the country, but particularly Quebec as we did when we invited thousands of school children here during the Centennial. They came and they learned about Manitoba and western Canada.

We are not a collection of parts; we are not a cash register country without a soul fueled only by the economic drive of some of our political leaders who talk as if the country operated on a balance sheet without any sense of pride or patriotism. I refuse to become a branch plant of the United States as a country. Let me also remind the panel that they can also remind Quebec that what awaits them is the United States' economic domination, the day they leave, the shelter and the strength of being part of Canada. The separatists are not all domiciled in Quebec. We have our share between here and the Pacific Ocean; I could feel the team who might hold its own with most of the people from Quebec. They would not all be hockey players but there would be darn good stick handlers.

Part of our problem, Mr. Chairman—and I become very sort of agitated, because I am not afraid to say I love my country. I can say it with deep pride; I felt that when I represented this province and this country in international meetings in Europe and across the United States. I am fiercely proud of being a Canadian; that is very important to me, to know that this is a great country which has given me the opportunity that I could have never gotten in any other.

If the federal system is failing, Mr. Chairman, how is it that Quebec has managed to become as strong and as economically powerful and has continued to grow and has enjoyed the well-being that is the envy of probably the rest of Canada? It cannot be all bad; it cannot be a bad place to be a part of. Mr. Chairman, until governments, and particularly this Government in this province which can do something no other one can, offsets the bias and the prejudice and the distorted point of view that is foisted on this country every night at ten o'clock with Peter and David and our blond-haired friend, backed up by Barbara Frum—what a distorted, completely biased presentation of Meech. Even the architects of it would not have recognized what was being presented. They presented it and frightened the Canadian people, the best in the propaganda tactics anyone could ever have hoped to see.

We have to tell Quebec and the rest of Canada there is a western position and that we need to be understood. I am disturbed when I think of the kind of airborne flying psychiatric couch of my old friend, Keith Spicer who was once a member of a committee that I chaired. You know, we do not need any more psychoanalysis, and this is not a talent hunt for more candidates or whatever role that may come from it, but what I find disturbing is the deadly silence of the other provinces, other than Manitoba, and to whatever degree Quebec.

Manitoba again has shown the way and said here is the leadership. We are going to conduct an inquiry and hold an opportunity for people to come and tell us. We must stop just reacting to what happens in other places. This province and this Government must act in giving the leadership to dealing with the whole problem.

As I try to close, because I could go on but I do not want to because I do not know whether you could stand for some of the things I might want to say, and I am holding myself back because my feeling for this country is very deep. Why is it that we have never been able to inculcate in Canadians the willingness to get up and say with great pride, yes, as Paul said when he said I come from Tarsus, no mean city. Well, I will tell you, this is no mean country. It is a country of opportunity and greatness and growth, and it is ours and our job is to keep it. Improve it—yes, no question.

I say to you, Mr. Chairman, that you will not see the future or where you are going if you continue to look over your shoulder at the past and try to readjust all the possible mistakes that people identify and hold up as the reasons for all the things they are now doing. Let us learn from the past to build a better tomorrow. Let us be prepared to show the emotion, with fierce pride, dedicated to preserving a Canada that is the envy of the rest of the world. That is what Canada means to me. Thank you.

Mr. Chairman: Thank you, Mr. Wolfe. Any questions?

Ms. Friesen: Thank you for the presentation. I was particularly interested in your comments on urban poverty, first of all, and I wondered why you chose just to represent the cities in terms of urban poverty. Poverty is also in the rural areas of Canada, in the fishing villages of Newfoundland, et cetera. It is also in the cities that you would see the most glaring inequities of the distribution of resources of the country. It is that contrast of rich and poor in the city that I would think would be worthy of attention as well.

I was interested in your description of the city, and then, second of all, I wanted to pursue with you, particularly because of your long experience in urban Government, the way in which you lamented the absence of urban policy or urban proposals or urban issues in the last round of constitutional negotiations and if you had some particular proposals and ideas that we should be looking at in this next round.

Mr. Wolfe: I am going to answer your two questions this way: I referred to the problems of the urban areas of this country—large, small, urban or rural. Wherever you get concentrations of people, problems will flow and follow. I am more familiar with the problems in the larger cities, because that is where I spent 15 years of my life, working in one capacity or another, but that does not discount one moment or one iota from the problems that exist in many parts of rural Manitoba, the rural poor in the Maritimes. I know it, and I know it well. I have seen it face to face. I have seen it in Newfoundland, so that what you say is quite true.

It is not just in the large cities; it is everywhere in this country. It has to be dealt with, and it will not be dealt with until the third level of Government, the third area of Government, is part of a system that will deal with the representative task of letting other Governments know that they have sold the people of this country short by ignoring them successfully. I say that from my own personal experience. The cost of maintaining the social network in this city is a burden that the homeowner is the last place on which to place the burden, but they do, and they pay for it.

Our hope had been, when we dealt with the federal and the 10 provinces on behalf of the municipal Governments of this country—and yes, with 1,000 members they represented some of the smallest places you have ever heard of. We tried to convince the other levels of Government that there was enough money collected in this country. If it was adequately and fairly distributed, there would be enough to meet the requirements of all Canadians and give them their rightful share in what was good out of this country.

* (2050)

Ms. Friesen: I am not quite sure where this is going. Are you suggesting, for example, that the urban level of Government should be a partner with the province, with the federal Government and with aboriginal Governments in looking at the new rounds of constitutions? Are you saying that is the kind of change Canada should be looking at?

Mr. Wolfe: Yes I do, without any hesitation, because we have created an illusion by saying, come to the city. That is what has happened in the city of Winnipeg. This is an illusion that this is going to be opportunity for employment, for better treatment, for better housing. That is not true. They come here—many of those people wind up becoming the next generation of the urban poor who will produce two more, and that is what we have to cope with. Until the cities of this country, the urban Governments of this country, the municipal Governments, are recognized as being part of the total fabric of finding a solution, because they are part of the problem, they will not go away, and the people who live in those milieu will not go away.

Ms. Friesen: How far are we pressing this argument in constitutional terms? Are we looking at considering urban Governments not as creatures of the provinces but as a different level of Government? That is really what I am getting at in terms of constitutional change.

Mr. Wolfe: I appreciate and I understand exactly where you are coming from. We have achieved such a minor success. We had actually established a Department of Urban Affairs at the federal, national level. It existed through four Ministers, as I remember, until the Premier of Quebec, the present incumbent, was able to express his annoyance sufficiently, and that was the last one we saw, along with the support of British Columbia.

They did not want urban Government to be part of the system, because so many of the urban programs were being carried out with money that was coming out of the federal coffers. But you see, when you funnel it through a provincial Minister of Finance, he is not wearing boxing gloves, because most of it sticks onto his fingers as it goes through on its way to the municipal Government. That is the problem. There is enough to go around, but it never gets to where it is needed.

Ms. Friesen: The other part of what you were saying dealt with the taxation system, and I am sure you know, as we all do, that as the federal Government and the provincial Governments are continually offloading the burden of all kinds of social and educational programs, that it is, as you said, coming clearly onto the homeowner. Are you suggesting to us, with that criticism, that we should be looking, as other presenters have suggested, at some way of incorporating into the Constitution proposals for a fairer taxation?

Mr. Wolfe: Mr. Chairman, let me answer in this way. At the time I was President of the Canadian Federation of Mayors, we spent almost half-a-million dollars on a joint study with the federal and provincial Governments, where we did a comparison of the resources and where the money was going.

There was, at that time—it was a follow-through from the Carter Commission, for those of you who remember the Carter Commission inquiry on the economic future of this country. John Deutsche was our Director of Research on that project, hardly a man of not some substance. There was enough money to go around, but we had to develop some system of priorities. We never got to there, because they did away with the department so that our line of communication died right there.

Ms. Friesen: My question was, are you suggesting these kinds of proposals for incorporation in constitutional . . .

Mr. Wolfe: Oh, I am sorry. Not necessarily in the Constitution, I think the simpler we keep the Constitution the better. Those of you who learned it in the law will know that the most binding agreement is the one with the fewest words, leaving less opportunity for misunderstanding.

Hon. Darren Praznik (Member for Lac du Bonnet): Mr. Chair, I just wanted to comment that, when I was seven years old, Mr. Wolfe was in my family home, my parents' home, and I remember him speaking about Canada and the passion he had for Canada at that time. I remember distinctly that passion and commitment to Canadians. Tonight, as I heard Mr. Wolfe, that memory was brought back to me, and I do not think, in the 23 years that have passed since that time, his love of this country has diminished. I am honoured to hear him tonight.

Mr. Wolfe: You are very kind. I remember those days.

Mr. Chairman: Any other questions? Do you want to abolish the Senate, Mr. Wolfe?

Mr. Wolfe: The answer at this point, until I have had a chance to review the alternative, I would rather go with the devil I know than the one I do not. I am serious. Until you tell me what the alternative is, I think there has to be, you know, for that terrible expression, the chamber of second sober thought, that lately the soberness disappeared, but at least they had a second thought. Now, I am not prepared to abolish anything until I have had a much—set me up as a one-man commission, I will be back in six months, I will tell you.

Mr. Chairman: Any other questions? Thank you very much, sir.

Mr. Wolfe: Thank you. You are more than kind.

Mr. Chairman: We are going to take a break now. When we come back the first presenter will be Ms. Halina Garlicki. Is she here? We will be back with you shortly.

* * *

The hearing took recess at 8:57 p.m.

After Recess

The hearing resumed at 9:17 p.m.

Mr. Chairman: Good evening, Ms. Garlicki. We are resuming our hearing now for this evening. Our first presenter, after the break, is Ms. Halina Garlicki.

Ms. Halina Garlicki (Private Citizen): Good evening, Mr. Chairman, and Members of the task force.

Thank you for the opportunity to participate in this hearing. I participate because of a feeling of trust which I have in the Manitoba Legislature and also because I believe that I can bring a somewhat different perspective to your deliberations.

For your information, I have since 1958 been a proud Canadian citizen by naturalization. I am Polish by birth and fully bilingual. In presenting my views, which are supported by many others of similar background, I will comment under the following:

1) Language and culture in the Canadian identity; 2) the roles of Governments and Senate; 3) a process for constitutional change; 4) Quebec's demands; 5) concluding remarks.

* (2120)

1) Language and culture in the Canadian identity: Canada's population originates from and consists of two distinct groups of people: (a) aboriginal people who have been inhabitants of this country for thousands of years; and (b) immigrants, be they of English, French or other ethnic origin.

Since the Canadian Confederation of July 1, 1867, until the present time, English and French issues have generally been the only issues of our Governments. Because aboriginal and the other non-French and non-English Canadians have not been as aggressive, they have regularly been left out of Government process. The fact is, however, that languages and cultures other than French and English exist in our country and form a major part of the Canadian identity. The question that begs asking in 1991 is: When will Governments realize that their raison d'etre extends beyond the French and the English?

As Canadians, all of us, aboriginal and immigrant, we are entitled to and must have equal rights and protection under the Constitution. Any amendments to the Constitution must include all Canadian citizens regardless of language and cultural background. No preferences should be given to any group of citizens or provinces. If we are to maintain our identity under a strong united country, all of us must be equally considered.

Our Constitution should first address aboriginal rights and freedom because aboriginal people are the real Canadians. Their languages and culture are as important to them as the French language and culture is to the French.

History records that for more than 125 years, Governments have skewed their focus primarily on the concerns of the French with some attention to the concerns of the English. The rest of us with our other cultures, have not really counted except when our tax dollars are wanted.

The 1989 records show that there are 25,022,005 Canadians, 6,332,725 are of British descent and 6,092,165 are of the French descent. This means that more than half of the Canadian population, which I am a member of has simply been completely ignored. If the tax dollars of this part of the population, the non-French and non-English are to be fairly taken, then as Canadian citizens we must have an equal pay back for our tax investment. However, we do not want Governments to allocate our money to promote multiculture, including French. No ethnic group should expect Governments to provide tax money to promote and protect its language and culture. It is up to the ethnic group in a free country to take care of such matters on its own.

My daughter, for example, who was born in Winnipeg, is fully bilingual. She acquired her second language without any Government assistance. I am sure that my grandchildren will be multilingual but not because of any Government grants or immersion schools. Mostly it will be as a result of good home environment that influences favourably their desire to learn.

While the federal Government is spending a large percentage of our tax money to promote French across the English-speaking parts of Canada, the Quebec Government paradoxically is returning to the unilingual French only concept.

Recently, a Quebec school board attempted to dictate that only French be spoken by all children when on school grounds, regardless of their background. What kind of a democracy is this? Is this the way to build a strong united country? We have to recognize the fact that Quebec was, is and always will be French only. It follows that other provinces should be allowed to be English only with bilingual freedom as appropriate, without further waste of our tax money.

2) The roles of Governments and Senate: The federal Government must recognize that it is responsible for all major national needs such as health, education, immigration, et cetera. If Canada truly is a democracy then our Constitution cannot allow varying standards across the land.

By opting out of many of the national responsibilities, as Mr. Mulroney's Government has indicated, and transferring them to the provincial Governments, without logic or reason, our country is being converted into 10 or more countries.

How are we allowing this to happen? To answer is very simple. Our Constitution gives us the freedom to elect our Members of Parliament, our legislative body, but we do not have recourse to a removal procedure. Many of our elected politicians show very little accountability to the electorate during their term in office.

In 1991 it has become clear that we have to stop giving our politicians the ultimate power. On major issues decisions must be made by public referenda. No Canadian citizen should be above the country's laws. Our politicians, including senators and judges, must set examples for citizens when passing or interpreting laws. They can no longer exclude themselves from the very laws which they handle. They establish double standards regularly, which lead to questions like: Why is it that judges do not have to retire at 65 like the rest of us? Why is it that politicians can give themselves generous salary increases, generous tax concessions and exempt their offices from GST charges as well as eliminate GST charges on their vacation travel? Why are our elected representatives and senators provided with pensions that are much more generous than the ones the working class can earn? Such double standards cannot be tolerated any longer.

Some well-known citizens have called for the abolishment of the Senate. This, in my view, would be a terrible mistake. The Senate is needed as an independent check on the House of Commons, but it must be reformed. The conduct of the Senate during the fall months confirms both its worth and its need for reform. I agree with a concept of a Triple-E Senate which is equal, elected and effective. Such a body would restrict a Prime Minister from governing single-handedly under the methodology referred to as executive federalism.

3) A process for constitutional changes: With the Meech Lake process, the Prime Minister, perhaps through ignorance, actually attempted to give us a fourth level of Government, and this was frightening. It was frightening, because decisions that would affect all of us were almost made by 11 men feeling a false sense of power as First Ministers. In the name of democracy, they were deciding on Canada's destiny according to their 11 biases. How could they endorse such a process? Thank you, Mr. Elijah Harper, for saving Canada, at least temporarily.

* (2130)

Our leaders must remember that, in a democratic and free society, the Constitution belongs to the citizens. All citizens, aboriginal and immigrant, must have input to any constitutional proposals before amendments can take place. I am pleased to note that our provincial Government, through this task force, is recognizing this.

However, I do not have the same confidence in federal efforts to develop citizens' input. I would like to add that any amending process that is similar in any form to the one referred to as the Meech Lake Accord cannot be repeated.

4) Quebec's demands: For some years, our federal politicians have told us that Quebec does not belong to the Canadian Constitution, although it did not hesitate to use the notwithstanding clause, and we owe Quebec a rightful place in Canada. I am under the impression that Quebec has always had its rightful place in Canada and it is Quebec who rejected Canada. This was borne out when I checked on why Mr. Levesque did not sign the November 1981 constitutional repatriation. I found that his reason had to do with the Quebec Government not receiving enough power. It really had nothing to do with protecting French language and culture, as we have been regularly advised.

Quebec's unanimity demand, which was revealed to us last year, absolutely shocked me, and I strongly oppose any unanimity-veto approach. I would like to share with you what a veto did to my country of birth.

At one time, Poland was a kingdom from sea to sea, Baltic Sea to Black Sea. Until 1652, Poland's Parliament was leading Europe in a democratic process, but in 1652 the "liberum vetum" was introduced, and all parliamentary process was stifled with a single voice. It took politicians 140 years to abolish the unanimity rule. By that time it was too late, as Poland was partitioned by border nations and erased from the map of Europe. It took another 120 years before Poland regained its independence.

When it comes to society distinctiveness I believe that we are all distinct. We all have our languages, our cultures, our ways of living. The only truly distinct people have been the aboriginal people. All the rest of us are immigrants with greater or lesser seniority.

We cannot give Quebec more unique constitutional powers and expect the other provinces to go along without objection. Quebec already has its rightful place in Canada. Like no other province it has its language, culture, laws, tax system, et cetera. Quebec receives more financial support from the federal Government than any other province.

In addition, a disproportionate number of federal Government jobs are allocated to Quebecers. Many Canadians would be the happiest citizens in these circumstances, but apparently not Quebecers—they still want more. We have to recognize the fact that Quebec's Government wants the ultimate power of independence. We must therefore let Quebec go. Canada as a country is not negotiable.

I note that if Quebec is to separate, it should likely receive no more than 20 percent of its present land claim, as 80 percent of the land indicated in the province belongs to the aboriginal people. As Canadians, those of us who love our country, we need to identify what parts of Canada, including Quebec, fairly and justly belong to us. We need to rationalize what Quebec rightly might have if it insists on separating.

5) Conclusion: In summary, my thesis concerning the Constitution is as follows:

I experienced the loss of freedom during the Second World War; I do not want to risk losing my freedom again.

Canada should not become 10 or more separate countries.

Canada's population should not be composed of hyphenated Canadians.

All citizens must have equal rights. There should not be a distinct society, nor should anyone be above the law, politicians and judges included.

The Senate must be reformed and be elected independently. An appraisal should be made of the numbers of elected officials in relation to need and effectiveness. There must be referenda or voting by the electorate on major issues. Politicians must be made accountable to the electorate, and a procedure must be put in place to ensure that people are being heard and properly represented.

Quebec should be free to go. Freedom is not negotiable, and if Quebec wants to separate, so be it. However, in such circumstances Canada should ensure that it keeps everything belonging to it.

Our economy cannot take a greater load, and we cannot afford preferential treatment for anyone. We should focus on getting our economy back on track and minimize institutional and constitutional experimentation that will only end up being very destructive to our country.

My suggested motto is keep it simple and equal.

Thank you very much for allowing me to share my views and those of my many friends. Thank you.

Mr. Chairman: Thank you, Mrs. Garlicki. Are there any questions? Thank you again. Mrs. Long.

Mrs. S. Long (Private Citizen): Mr. Chairman, legislative Members, what does our Constitution mean to me? It is the fundamental law on which my country and society is organized. It means upholding our human rights, not special rights or concessions to anyone. It means trying to live in harmony as one nation and allowing each individual to express their heritage without imposing upon the rights of others who are the taxpayers.

Geographically, we are made up of many different nationalities as are other countries in this world. We are in a constitutional crisis. My presentation, I hope, deals with some reasons why the present political scene is inept in dealing with Canada's future.

What I have to say today applies to all levels of Government. I must tell you a little bit about myself first, so you can understand what I am saying just a bit better.

I was born and raised on a small farm in Alberta. We did not have electricity until I was in Grade 10 and no TV. My brothers and sisters and I worked very hard, no complaining, because the work and chores had to be done. We were very thankful for the food and clothes we got. Ours was a very old-fashioned farm, but we survived nonetheless, happy and healthy and all the better for it.

I am very angry and sad at what I see happening in Canada. I see our democracy going out the window. I am tired of doublespeak and Governments selectively interpreting what the majority of Canadians want. In short, I have lost faith.

Major problems seemed to start when Trudeau came into power. The deficit started to grow and also the size of Governments. The last count was one civil servant per 10 Canadians. That was before the GST was forced upon us. First of all, I wonder why we need such a bloated bureaucracy. Do we need this much control? Why do we need bilingualism and multiculturalism? Last count was $1.82 million spent daily on bilingualism. Billions of dollars later, Canada, now in a depleted state, can no longer focus on the wants and needs of Quebec.

Pumping federal money into Quebec to pacify them has got to stop. All this is total lunacy. In the meantime, the lines in our soup kitchens are growing. If any group of people want to promote their culture or language, they can pay for it themselves. It should not be shouldered by the taxpayers.

We have to get rid of all the unimportant Government departments across Canada that take the taxpayers' money. We must go back to essentials only; examples are health, education and a solid social system. We need a much larger private sector. I believe our so-called high standard of living is false. So many people live, drive and pretty soon will breathe on credit. I believe we must become a more frugal society and accept a little less, and that pretty well goes for everyone, especially the Governments when it comes to their wage increases. The waste and abuse of the system must be stopped. This applies to everyone.

Canada's population is too small to support such a huge Government and civil service. We seem to have every kind of social program under the sun. Soon most of our paycheques will be going to the Government. The average or middle class person will become poor. Who then will foot the bill? All levels of Government must learn the word "no" when it comes to people and companies coming for handouts needlessly.

I believe if I managed my household like the Government does this country, we would be in dire straits. We are not because when it comes to making decisions, we use common sense. Consequently, we do not have any debts. This is not because we have money to burn. It is the way we manage what we have. We do not run to the bank and take out senseless loans. My children will not inherit any debt because of me and my husband. We do not spend needlessly. We are ordinary, thrifty, sensible, environmentally-conscious people, and we know the difference between wants and needs.

* (2140)

It is possible to be all these things and survive and be happy. Here are some examples of how to reduce the deficit and lower our taxes. Get rid of the GST and give back the $350 million to the World Bank. Have a fair, simple tax system that works the same across the country and includes all corporations. Why is the tax system so complicated? Abolish the Senate as it stands now. Privatize as many Crown corporations as possible. Disallow tax-free income and only give bonuses on merit. Tax lottery winnings. End handouts, tax concessions, interest-free loans and forgivable loans to businesses and industries that cannot prove these favours have been paid off in investment and jobs. I believe the subsidizing system must change somehow.

Rich private companies claim subsidies to match their competition and get them without opening their books to present any need. The federal Government has rescued many firms—examples, Chrysler Canada and Massey-Ferguson—from bankruptcy. Ottawa lent General Motors $110 million interest free to keep the plant open. This kind of thing must stop.

We only need to keep social programs that are necessary to maintain quality of life. People have to learn to stand on their own two feet. An example is saving for your retirement. The Government is not our parents and we are not adolescents. We need to get rid of bilingualism and multiculturalism. Canadians seem obsessed with language and culture. Why do we not get on with living?

We need a much smaller, efficient, trustworthy Government and civil service. Governments must set good examples for the people. I believe we need a strong federal and provincial Government with equal regional representation.

My conclusion—every city and town demands its share of federal money as does every constituency, province, region, nearly every industry and a host of special interest groups. Thanks to bilingualism, we now have multiculturalism as everyone wants a piece of the pie. The elephant funding for these pieces of pie is eroding our standard of living. Getting our share—if there is one idea above all others that fuels Government extravagance, that is it.

We are all in favour of economy in principle, but whether we are pensioners, seasonal fishermen or typists on unemployment insurance, small retailers or big manufacturers, we want the Government to be generous with us and economize on somebody else.

The public accepts benefits while opposing taxes to pay for them. We seem to be living in a utopian dream of easy, risk-free prosperity for all. The real world does not permit that for long. We must go back to a system where majority means something. Politicians must get back in touch with the taxpayers who are the backbone of this country. Members of Parliament should represent constituents rather than Party line. Thrifty Government will come when politicians want it, and they will want it when we, the voters, make it clear that we want it.

I would like to thank the Legislative Members and Professor Fox-Decent for their time. Although most of my points are criticisms, I must say that I am still proud to be a Canadian. I live in a country that allows me as an individual to express my view without persecution. Thank you.

Mr. Chairman: Thank you, Ms. Long. A question from Dr. Cheema.

Mr. Cheema: Ms. Long, I would like to thank you for your frank and very enlightening presentation. I would like to ask you on what basis and what statistics you have that you have read, and you have copies of that or some information which says that multiculturalism is taking more money than anything else.

My second question is: If you get rid of everything else, what is the definition of living then?

Mrs. Long: I do not believe we need multiculturalism for Canadians to have a decent simple life. Why? We never had this 20 years ago. We all seemed to get along. We did not argue over linguistic rights.

I am from a Polish heritage. I do not kick up a fuss at all, and I do not expect the taxpayer to foot any bill for me either. I carry all my own weight. I do not have anything against any culture at all. I think that is great. The more languages you can speak the better, but it is up to you.

Mr. Cheema: I think, Mrs. Long, you have not answered my question.

Mrs. Long: What was it again?

Mr. Cheema: My question is: On what basis are you saying that we should get rid of multiculturalism, it is taking more money, the taxpayers are spending more money. How do you say that?

Mrs. Long: I think—the taxpayers are spending money on multiculturalism.

Mr. Cheema: How do you base your—

Mrs. Long: It is by what I read—I am just an ordinary citizen. It is just how I feel and what I read and what I hear from the media and other people.

I really do not think it is necessary to spend taxpayers' dollars on it. Why should we? I do not think it is necessary in Canada. We should concentrate to work as a nation instead of zeroing in on certain things that really are not important to the whole country—individuals, yes.

Mr. Chairman: I take it your point, if I might interject, Mrs. Long, is—

Mrs. Long: Yes, I am not a politician or a public speaker so I—

Mr. Chairman: I think you have done well with your presentation.

Mrs. Long: I am telling you how I feel.

Mr. Chairman: I understand. If I may ask you whether this is your point of view, you are saying that you do not think public money should be spent on multiculturalism. That is your position.

Mrs. Long: True, yes, that is my position. I feel it causes hard feelings and also racism from one group to another, so to speak, and we should concentrate on a oneness.

Mr. Chairman: Ms. Friesen has a question and then Mr. McCrae.

Ms. Friesen: It is just a short one. You had a very precise figure for the amount you think that Canada is spending on bilingualism—$1.6 million a day. What is the source of that figure and what does that include?

Mrs. Long: That is on everything. That is federal. I got that from the West magazine. It is a Canadian magazine that comes in the mail. Also from the Reader's Digest I got information.

Ms. Friesen: Which one gave you that particular piece of information? What is the source?

Mrs. Long: The West, the western magazine that comes. You probably get it in the mail, too. I believe it is that one.

Ms. Friesen: No, I do not.

Mrs. Long: It was in a magazine. It comes in—or was it?—I wish I would have written that down. At that time I did not think to—I have it at home. That is not going to help you, but that was the figure. It includes monies spent in, for example, French immersion. I think it includes everything, daily, because of bilingualism. When 20 or 25 years ago we did not spend money on that in this country and now we are. It seems to be dividing this country rather than bringing it closer together. I cannot explain it in really technical words. I am just saying how I feel.

Mr. McCrae: My question has nothing to do with these matters. I am just wondering what part of Alberta you are from.

Mrs. Long: I grew up on a farm 50 miles northeast of Edmonton.

Mr. McCrae: Northeast, my people are from near there so I just wondered—

Mrs. Long: Radway, I went to a country school.

Mr. McCrae: How long did your family farm there?

Mrs. Long: The farm was just sold in the spring.

Mr. McCrae: No, but when did they start farming there?

* (2150)

Mrs. Long: My dad was born in 1900. The farm was given to him by his dad as a homestead. It was a homestead and he broke the land. I tell my kids stories about how I grew up, and they find it hard to believe, but it is true.

Mr. McCrae: Just curious.

Mrs. Long: Yes, I have a different upbringing I think than some other people in the way I was brought up. I guess that is why I think so forcefully the way I do about certain things.

Mr. McCrae: My granddad homesteaded at Westlock in 1905, currently a citizen of Alberta.

Mrs. Long: Yes, all my family lives back in Alberta basically.

Mr. Chairman: I think we are about to get into a swap between the Minister and Mrs. Long on who do you know, so we probably should end it at that point.

Mrs. Long: We better end it now.

Mr. Chairman: Thanks very much, Mrs. Long. I am sorry, did you have a question? Mrs. Long, I think we have one more question for you. I am sorry, I thought we were finished it. Would you mind coming back?

Mrs. Long: Okay, I am ready I think.

Mr. Lathlin: It is not really a question that I have for you. I just wanted to—seeing as how you were kind enough to share with us some of your experiences, having lived on a farm and so forth. I am also an ordinary person, I do not think I am better than anybody, but I wanted you to know that when you talk about Government, or your disapproval of Government spending money on multiculturalism today, I wanted to share with you before you leave here this evening that 30 years ago, 35 years ago the Government spent millions of dollars trying to do away with my culture.

Mrs. Long: Yes, I realize that. I understand that, and I think that was very wrong.

Mr. Lathlin: As I was telling other groups in other places, every time I spoke my language I got severely beaten, and today my daughter is 14 years old and she does not use her mother tongue. Money was spent to get my culture out, so there is a bit of a paradox there or a conflict. I just wanted to share that with you.

Mrs. Long: I know. Yes. That is good. I just wish somehow everyone would just integrate. I do not know if that can ever happen.

Mr. Lathlin: Thank you.

Mrs. Long: You are welcome.

Mr. Ron W. Coley (Private Citizen): Mr. Chairman, ladies and gentlemen, I certainly appreciate the opportunity of expressing my views to you today on the future of Canada, particularly in the area of constitutional change.

I, as others, have observed there has been considerable misunderstanding in Quebec as to why so many Westerners opposed the Meech Lake Accord and federal language legislation, just as there is considerable misunderstanding in western Canada of Quebec's position. It is important that commissions and task forces such as this facilitate frank and honest communications between the people of Quebec and the rest of Canada so that future evaluation of proposals for constitutional change can be based on facts and reason rather than myths and prejudice. The following is a summary of my opinions for your consideration.

I believe that Canada needs a strong federal Government. One of the many reasons would be to handle the fundamental issue of French-English relations as they have evolved over the years. Also, a strong federal Government is required to adjust, monitor and keep alive the relationship between an economically and politically strong central Canada and its peripheries. We are the neighbours of the most powerful nation in the world, and we need a strong federal Government to maintain our independence, our uniqueness, our distinctiveness from the U.S.A.

There are two competing notions of how Canada should function. Either we are simply a group of separate entities somehow related for economic convenience, or that the country of Canada has a unique destiny and responsibility of its own which is greater and more important and significant than the sum of its parts. The latter concept has my support. Any significant transfer of federal powers to one or all the provinces will weaken the power of the federal Government to an unsatisfactory level.

Obviously, we have some serious constitutional conflicts in Canada today. We have the failure of the original Meech Lake Accord, and justifiably so. We have the unfortunate, in my opinion, failure of the 1990 constitutional agreement, which I felt was a satisfactory compromise. We have the Liberal Party in Quebec with a still-to-be-approved position paper demanding a significant shift of power from the federal Government to the Province of Quebec.

Other provinces are seeking additional power as well. Someone recently wrote that if that happens, "Ottawa will be transformed into a Cheshire cat with nothing left but the silly grin." The next time you watch our Prime Minister Mulroney on TV, imagine how funny that would be. Seriously, even worse, we have the Parti Quebecois who desire only a loose association with the rest of Canada, and we have many Canadians in the rest of Canada who are expressing extreme frustration with the province of Quebec, and they are saying, let them go.

Fifty years ago, almost to the day, a Royal Canadian Navy corvette sunk off Gibraltar in the Mediterranean. My father was a survivor. The crew of the Weyburn consisted entirely of Canadians. Some were of English heritage; some were of French heritage. On that day, English Canadians and French Canadians died for Canada. I am sure that the Canada they were fighting for, the Canada that they visualized, was not the Canada that we see today.

On one hand, I am personally extremely frustrated with this entire constitutional mess, but on the other hand, looking more philosophically, countries like France and the United Kingdom, two major motherlands of many Canadians, forged their unity over a thousand years, and many of those years were years of conflict. Look what happened to the United States a hundred years after the union—a bloody civil war. I guess it should not surprise us that we still have problems after a mere 125 years since Canada became a nation.

The 1979 task force on Canadian unity describes Canada as having an anatomy of conflict centered on two basic realities of the Canadian circumstance, namely, dualism and regionalism. These characteristics have caused problems in the past, are causing serious problems now, and have the potential of causing even greater problems in the future. They are deeply rooted in our history and are major elements in the social and economic fabric of Canada.

Why dualism? We have two distinct societies in Canada, French and English, with as we all know, the French society predominantly located in Quebec. While the origins of the problems pertaining to dualism are many, the resolution must necessarily be primarily political and constitutional in nature and aimed at securing a satisfactory position for Quebec and its people within Canada as a whole.

Why regionalism? Regionalism is the second element of Canadian society that needs attention. Canada is a much more diverse and complex country than simply a French-English circumstance. This complexity needs to be taken into account in the analysis of Canadian problems and the search for solutions, so it is not just the Quebecois who feel different. Many other Canadians feel differently, predominantly on an economic and political power basis but also on a cultural basis.

* (2200)

The British North America Act of 1867 reinforced considerable regional diversity by granting substantial powers to the provincial Governments of Canada. The BNA Act encouraged the development of provincial political institutions of sufficient size and authority to undertake, in addition to the provisions of certain services, the general role of expressing regional views without regard to jurisdiction. This, in my opinion, has some distinct disadvantages. It seems that our provincial Premiers have acquired national power for which they are not democratically accountable, and the reduction in power of our national institutions and programs can now only be stopped by popular political will.

Assuming that we can get back to reasonable negotiations between the provinces, including Quebec and the federal Government, let us try to solve the conflict. There are many issues to solve—some big ones and some really big ones. As far as I am concerned, the really big ones are dualism and regionalism. Otherwise, Canada may not exist as we know it today, and other issues may be meaningless.

The first and foremost challenge facing the country is to create and environment in which the French and English cultures can exist. The second is to provide a fuller expression of the forces of regionalism in Canada's constitutional system and power structure pertaining to national issues. Each, if ignored or left unsatisfied, has the power to break the country, and each must accept the other if a new period of harmony is to be achieved.

Regarding dualism, I have no objection to future constitutional revisions which recognize Quebec as a distinct society, because I truly feel it is one. I do not see this in itself jeopardizing the quality of other provinces or otherwise creating a special status for the province of Quebec in detriment to the rest of Canada.

When this proposal was presented as part of the 1987 constitutional accord, I was concerned about the legal possibilities that the provision could override minority language rights enshrined in the 1982 Charter of Rights and Freedoms. However, the letter from constitutional experts, attached to the now defunct 1990 constitutional accord, referred to the relationship of the distinct society to the Charter of Rights and offered me sufficient reassurance that the distinct society clause will not cause serious problems. This being the case, I suggest such a confirmation be stated in future constitutional revisions. Manitoba should allow the recognition of Quebec as a distinct society in future constitutional negotiations.

I will talk about regionalism a little bit. I believe that, in order to solve regionalism concerns, our federal system needs a major change. The Canadian Senate, as it exists today, does not service the needs of Canada for a House where the full range of our regional problems and the effect of national policies on these problems can be discussed with independence and authority.

The Senate is presently aligned politically and does not really represent the regions. Rather than transfer more power to the provinces in an attempt to solve regionalism issues, I feel the problem can be solved by developing a stronger, more functional federal Government by creating a Senate that has regional representation. Representatives without political Party alignment but rather provincial or regional alignment to a functional, regionally distributed Senate would, in my opinion, represent regional interests in a more national, more global perspective. Manitoba should continue to strive for Senate reform.

I do not feel that the provincial veto within the Constitution of Canada should be expanded to cover such things as proposed change to the makeup, method of selection, and powers of the Senate, the Supreme Court or the establishment of new provinces. Steps in this direction will erode power from the federal Government. I do not believe that Quebec requires a veto to assure its place in Canada. No other provinces require it either.

As part of Manitoba's negotiation stance for Senate reform, it is important that any proposed veto for all or any provinces on constitutional amendments related to the Senate be resisted and that the voting for Senate reform continue as described in the constitutional Act of 1982.

Now a message to the negotiators regarding recent events such as the Belanger-Campeau commission and the Allaire commission—be careful of our Prime Minister. He now finds himself in a lose-lose situation. He can, in response to Quebec and to some extent other provinces, attempt to institute radical restructuring and weakening of our federal system to the extent that he cannot get the support from most Canadians, or he could reject any unrealistic demands from Quebec at the risk of losing a significant portion of his Quebec Caucus. He will probably pursue the former, but my strongest recommendation to you is to not allow the weakening of our entire federal Government. This is too high a price to satisfy Quebec.

Even if Quebec leaves Canada, it is important that our federal system is strong enough to maintain the cohesion of the remaining nine provinces and territories. If Quebec is not satisfied with a negotiated settlement, the closer it resembles the status quo, there are really only two options: Either Quebec leaves Canada completely—which I would hate to see—or we slightly adjust our federal system so that Quebec can be a lesser participant than the nine other cohesive provinces and territories. A significant restructuring of our federal system is not an acceptable alternative.

I stress again, I believe in a strong federal Government and I must say I refer to the institution, not particularly the individuals who are in power. The performance of our Prime Minister and his colleagues related to the process of constitutional debate is appalling. I was not entirely happy with Prime Minister Trudeau but the last series of constitutional debates was even worse. I feel the federal Government orchestrated a massive campaign of bullying, intimidation and misinformation designed to force opposing parties to cave in. The Prime Minister's brutal, boiler-room negotiation tactics and his ploy of manipulating the media jeopardized the good will among Canadians. This is simply not acceptable.

During the last round of constitutional negotiations, I was very proud of our Premier Gary Filmon, the Liberal Leader, Sharon Carstairs, and the NDP Leader, Gary Doer. I sincerely feel that they attempted to negotiate the best deal for Canada without jeopardizing Manitoba's needs. Premier Filmon, against considerable odds and under difficult circumstances represented the consensus views of Manitobans admirably and returned to Manitoba with a negotiated constitutional agreement which in my opinion was far better than the original. I recognize Sharon Carstairs as well for her concern regarding the original Meech Lake Accord expressed in the House when she was the sole Liberal Member. Also Gary Doer deserves credit for taking an opposite tactic from his previous leader, the NDP Leader—at the time, Howard Pawley. These three must have presented a rather awesome but unusual team in Ottawa. My final wish is that Manitoba continue to be represented in the future constitutional negotiations by equally sincere and conscientious people. Thank you.

Mr. Chairman: Thank you, sir. Any questions?

Ms. Friesen: Thank you. I wanted to look at the proposals you made on page seven for reform of the

Senate, and you are talking about sending as representatives people with no political Party alignment. I wonder who these people are. Somebody referred to it in an earlier presentation today as an unrealistic suggestion. I wondered if you had some idea of how these people would be selected or if there was something particular that you had in mind.

Mr. Coley: Well, it is a little idealistic but I believe there are people out there who could make a conscientious effort to represent Canadians without regard to political lines, similar to what judges are like when they get selected to the Supreme Court. Quite often it is a political appointment in that case but, when judges go to the Supreme Court, they have to take an unbiased approach. If we set up a system like that, that people who once they became a senator had to try to vote based on what was best for the country rather than what the Liberals want them to vote or the Conservatives want them to vote, I think it could work. It is a little idealistic, I must admit, but it is worth a try.

Ms. Friesen: I think you are taking a different tack in a way. You are actually suggesting that we create an institution which will in itself create a sort of non-partisanship.

Mr. Coley: Right.

Ms. Friesen: Yes, that is another way of coming at it. The other proposal you make is obviously the one with the Triple-E Senate, that there be equal representation of each province. I have been asking this of a number of presenters and wondering what kind of arguments you would present to the larger provinces, particularly Ontario and Quebec, as to why they should accept this change in their power.

Mr. Coley: We are coming from a position of weakness in this negotiation, but I do note that Ontario volunteered, Premier Peterson volunteered a reduction in Senate seats from Ontario to make compensation to, in this particular situation, Quebec and the western provinces to try to make things more equal. It would be a very difficult negotiation stance. All the people in the negotiating room would want to have a successful result, but you are right, it is coming from a position of weakness. They presumably may have something they like now, and there is not much of an incentive to make them change. I do not have any really good reasons. It would have to be good will more than anything else.

* (2210)

Ms. Friesen: Thank you.

Mr. Chairman: Any other questions?

Mr. Coley: Thank you.

Mr. Chairman: Thanks very much, sir. Next presenter, Bob Wasincuna. Good evening, sir. Are you speaking for the Dakota-Ojibway Tribal Council?

Mr. Bob Wasincuna (Private Citizen): I am here as a private citizen. However, some of the views of course are the positions of the Dakota-Ojibway Tribal Council.

Mr. Chairman: I understand. Thank you.

Mr. Wasincuna: (Sioux spoken—translation unavailable).

A long time ago there was a man called Moses who went to the top of the hill, and when he was there the Creator sent him a message in a rock. The messages were something like: Thou shall not kill, thou shall not steal, and so on. These are supernatural laws. No politician, no courts should or can meddle with these laws.

Indian laws are the same. We have hunting laws. We have land laws. We have all kinds of laws for our existence, and we got these laws from our Creator as well. We recently have been in a position to formalize these laws. They were never written. We still practice these laws today. Hunting laws—I remember very well what my grandfather had told me about hunting. Land laws, health laws—we still practice those. I have not gone to a hospital now for 30 years because I practice my health laws and my traditional lifestyle.

We have to be sure that we write things on paper today for somebody's sake. I am confused, and I am sure many people in my capacity, or those who are aware of the different laws that we have across this country—the Indian laws, the municipal laws, the federal laws and the provincial laws, there is a confusion—but these laws are original as far as we are concerned. We are a distinct society. We have what we call "aboriginal rights." You have heard of, all the time, some of these words. When we talk about aboriginal rights it means aboriginal title and aboriginal title to the land.

We have recently learned to interpret these rights, and we have recently learned to exercise a lot more of these rights than we have in the past as we become more and more aware of them. There are ways to protect and guarantee these rights as well. These laws we would need acknowledgement from different levels of Government.

As Dakota people we did not sign any treaties. We have still yet to be dealt with in every aspect. We have always known what our rights were even though there were policies trying to destroy our rights. We are the third level of Government, and we have to be included in almost every appropriate discussion that goes on in Canada today. How do we start this?

We start it by looking at changes. As recently as last year, we had the opportunity to take a trip to New Zealand, where the Maori nation signed a treaty with the British Government, the New Zealand Government, in 1834, and problems arose since in terms of land and fishing and water and trees. In every area that they tried to follow as Maori laws, there were problems because of the treaty which was signed.

As recent as 1975, the New Zealand Government recognized that this cannot continue, the problems simply cannot continue. They sat down with the Maori people and decided that they should acknowledge the Maori laws that they have and complement those laws with federal Government laws, New Zealand laws, and so they established a blanket coverage to complement the Maori laws.

In 1987, the Canadian Government went over to have a look at that system, and of course, they came back and we have not heard anything. I guess we always hear about political relationships. We tried to start a process called the bilateral process in which our chiefs need to meet with the Prime Minister and other Ministers, like the Minister of Indian Affairs. You cannot say that you have a democratic system, because I always hear it and you say, well, our democratic system is in place. Well, we will see what can be done with it. I do not believe that.

Presently our chief and council are doing administrative work on behalf of Indian Affairs, and then when it is our turn to take our leaders somewhere, they act as politicians. We would like to retain a true democratic system like we had before. We had a good system.

Today we recognize that we have to gather our people, our family, together and to choose a representative, a spokesman, who is going to address all of our issues, every single one of us. So in a community like ours with about 1,000 people, we expect to have at least 14 spokespeople, and that they would represent the views of every single person—man, woman and child—on that reserve, and that they carry forward to the chief, who is elected, so that he can carry our position to the political world on the outside. The chief does not do any work on the inside. Only the spokespeople do on our reserve.

That is what we talk about when we talk about a democratic system and, of course, there are many other support systems, like the council of elders, the council women, the council of youth, the medicine society and so on.

* (2220)

There has to be changes in the fiscal relationships that we presently have. We signed contribution agreements with many conditions in it. The changes have to include what we call second-level funding, and second-level funding, of course, is funding that presently goes to all agencies or institutions that say that they provide services to Indian people, aboriginal people.

We have to do a lot of ambassadorial work in order to be not misunderstood as Indian people, as aboriginal people. They have to know what we are doing. They have to know how we are going to do things. They have to know who is going to be included in that close co-operative process that has to take place with these changes, and we always like to do things in a holistic manner. We cannot fragment any part of our society, so land is a big issue which is attached to Indian Government, which is attached to education, which is attached to health, and so on.

We come back to racism and discrimination as obstacles when we try to make these changes. There was a small town in the early 1900s that had an unwritten rule that certain people cannot cross the tracks after six o'clock in the evening, or else there would be enforcement by the police. So those kinds of things are learned. When racism and discrimination is imposed on groups of people, it is quickly picked up and imposed on other groups of people, and we got the brunt of most of those kinds of things.

Of course the hardest part is to change attitude. We have to change attitude in some fashion and, I guess, we could start that with trying to address as positive as possible, dialogue with all kinds of people—professors, landowners, churchgoers, Chamber of Commerce, business people—in what we are trying to do. It is true that we see some support in what we are trying to do, even though very little is understood about our process, what we are trying to do, what the developments are with Indian people.

The process of trying to make these changes is hindered further by—my favourite one is always the one where we finally get a commitment from the Minister of Indian Affairs. Shortly after he makes a commitment and before he implements that commitment, he is shifted off to another, and that happens time and time again. What kind of a system is that? Is your word honourable? Are you a human being? What is it that makes us do those kinds of things? Is that why we call ourselves politicians so that we can be dishonest in that fashion or tell lies or represent party views instead of your constituents? Is that what it is? I do not think so.

The way that we want to start making these changes, of course, is always with spirituality. We are spiritual beings, we always have been. We start our meetings with prayers. I never really talked right this much before, and I do not know how many times I prayed back there just to try and make a face here, but we also need the understanding and the co-operation of the majority of society, just as people were explaining that there seemed to be some support nationally with what they are trying to do. It is our duty.

We have to know what our duties and the responsibilities are as far as trying to persuade change, trying to make Canada something that we believed in earlier in its days. It is hard to do that nowadays because Canada is, what I think, in very bad shape, environmentally and so on, and yet we are the inventors of sustainable development. We are conservationists. We were developers of a lot of economic things that go on in this country from Day One when the Europeans came, so we need that understanding. We need a lot of ears now to listen to what we have to say because it is time.

In our area, of course, the healing and the support has already started a few years back because that is where it needs to start. In order for us to proceed or do something, we need ourselves to be in good shape to do that, to be in good health. Of course, unity amongst our First Nations is a basic knowledge, common knowledge, that is being presently worked on. Why do we want to do that? I think we need to get everyone—when I say "we" I mean everyone. We need to have a bit of our pride back. We have lost it somewhere. Our independence is gone, so we could be a lot of help, I think, in trying to save Canada economically and environmentally as well.

In order to be a part of trying to right Canada, as it were, we need, first of all, the respect. We need the acknowledgement of the things that we have, which generally means aboriginal rights. We need our own charters of rights and freedoms. We need a justice system of our own. The very closest thing that I can come to is the package that I gave you on justice, of trying to explain what it is that we have to go through in order to try and help Canada and help the majority of society and be part of this whole system.

* (2230)

Our health system, our education, we need a land base. We need an Indian Government. We need our own Acts—the education Act, the health Act—and we need our own departments. It is not sufficient anymore to be satisfied with programs and projects. We had all of these before, and some of it is still being practised today. I am 50 years old. I have worked hard since I was 14 years old. I have survived in a white world for quite a long time. I work long, hard hours. I practise my aboriginal ways, my language, my tradition, everything as best as I know how, and I am still learning it.

My wife and I struggle to pay taxes. We also struggle to pay education for our kids. This year it was just a little over $5,000 that we are trying to pay. There are many, many aboriginal people like me trying to understand, trying to do things to help, and what we need to do is pass on that information that we have to the majority of society, people like you sitting up here, trying to get an understanding of what is needed to help Canada—never mind the politicians, to help Canada. I guess that is our responsibility. If we do not want to be misunderstood, if we are going to be part of this system, we need to know a few things and pass that information on. That is that learning process, that education process that we are presently going through, becoming more aware of what is there, what can be done so that information can be passed on to people like yourselves.

Our Creator gave us these rights. He gives us direction on a daily basis to follow his sacred path that he has laid out for us. These rights, these aboriginal rights that I am talking about, although I briefly described and touched on them—and it is very hard to understand sometimes if we do not know anything about it, but I have a fairly good knowledge of what I am talking about and I can go into depth. These rights are supported by what we call the Royal Proclamation and the Canadian Constitution. We know what it is that keeps Canada alive, and that is humanness and discussion.

One last comment that I have is that it is really sad to see the Canadian soldiers involved in a war today when we are back over here—trying to protect Canada, those soldiers—and we are back over here destroying Canada. Thank you.

Mr. Chairman: Thank you, sir. Any questions? Thank you very much, Mr. Wasincuna.

Mr. Bob Parsons (Private Citizen): I do not have a written text for this, but I do have a little handout that I gave you, something for you to peruse.

My name is Bob Parsons, by the way, and I come to this commission to talk about what we can do to hopefully set things right in Canada. There are things that we need to do in this country constitutionally. There are also things we need to do in this country that are political.

Now, if you look at the situation in our country, many people have described our fundamental needs in many different ways. Some people have emphasized that we, at this time, have a desperate need for accountability. Others have emphasized that we have a desperate need at this time for responsibility. Others have emphasized that we have a desperate need for real empowerment of the people of this country.

There are many different ways to describe what you might describe as our fundamental problem. At least in the political sense, the way I like to look at it and other people have said this before, perhaps, is that the Government of this country and our Parliament simply do not work. They do not represent us. We have sent a string of Members of Parliament to Ottawa, and it does not take very long before they go there and not long afterward they come back as not our representatives to Ottawa, but Ottawa's representatives to us, telling us what the Party elites want us to do, not representing us to them, but them to us.

Let us take a good case in point, something that I think all of you, especially Professor Fox-Decent most notably, will be very familiar with, and that is the Meech Lake Accord. This seems like a re-track, a retread, and I sat here, as did many other people before at the Meech Lake Task Force hearings. More than 300 groups and individuals came, and 93 percent were opposed to the Meech Lake Constitutional Accord, opposed to the mess.

I put to you a question. What about those 14 wonderful individuals whom we elected from here in the province of Manitoba? What did they do during this time? Did one of these men or woman ever stand up to present the case of the people of the province of Manitoba, 93 percent opposed to Meech Lake? Did one, whether it be a New Democrat, a Liberal or a Conservative? I mean, it does not matter what Party. Did any of them stand up and tell it like it was, the way that Manitobans believed, that we did not agree with Meech Lake? The answer to the question is, not one of them.

People might describe them as being malicious. Perhaps I will be charitable and call them gutless cowards because that is really what they were, gutless, too gutless to stand up and represent us, the people whom they are supposed to be representing in Ottawa. That is part of the problem. We have representatives who do not represent us. That is part of the political side of it, and I guess Tommy Douglas once had a wonderful speech that he gave, a very fascinating speech about cats and mice, how he said that mice should never vote for cats. I think it is very clear right now in the Party structure that we have red cats, orange cats and blue cats, but they are all cats nonetheless. They are all interested in the vested interests of their own political elite in Ottawa. They really do not, frankly, give a damn about us down here in little Manitoba.

I think it is very clear that it is time for a housecleaning. Instead of voting for Ottawa, it is coming around to the time when we voted for ourselves. It is time for empowerment. I think that it is probably quite true that after the next election a lot of those so-called representatives will not be there any more. Well, that is the political side.

There is also a constitutional side, things that we need to do constitutionally with respect to this province, or positions that we need to put forward constitutionally. I would like to focus on one of them—and I have given you a little sheet—and that one is the concept of an equal, elected and an effective Senate.

Now there are other important elements of a position on a Constitution. I did not want to go too much into other things, but there are, I guess, a couple of fundamental things that perhaps cannot be missed. One, I asked the question myself, why is it so necessary that we must define ourself in this country by our differences? Why can we not define ourselves by our similarities? We all believe in democracy. We all believe in justice. We all believe in equality, irrespective of our race, language, creed, colour. It does not make any difference. Why can I not be just simply a Canadian instead of being a hyphen?

There is another aspect, I think, in terms of a position. Some people may think of this as being a bit rash, but it is my own personal position that we should advocate as a province that the entire Charter of Rights, with the exception of one section, be dumped. That section is the notwithstanding clause. Now, many people may be taken aback at that, but I think that it is very instructive that we look to the case in the United States where we can see that there they have an entrenched legal system. It is very easy to get rid of a bad Government who gives you bad laws and then you can change those laws, but try and get rid of a bad Supreme Court. It is not easy to do. It is something to think about.

* (2240)

The element that I wanted to talk to you about was this concept of a Triple-E Senate, and people said, well, what is it? Where is the model? I brought along with me for your perusal—it is all on one page so that you can see it. This is a model for an equal, elected and effective Senate.

I have taken all the names off this where it came from. This one actually was developed by Mr. Manning and his Reform Party. It does not matter who it came from. I do not think they, frankly, care who takes this and uses it, but it is a very good thing to look at. They used a model of having constitutional conferences to draft this, and they did not do a bad job. I think what is important is that this is something we can look at. We can deal with it. We can make changes to something like this to improve it if we wish, but it is there. The Triple-E model is there.

I think one of the things that is important to talk about is really the necessity of this kind of a structure. I think a lot has been said in the past about it, but I would like to quote an interesting and perhaps unusual source. I would like to quote Mr. Cyril Keeper, former New Democrat M.P., when he said—I believe it was in Brandon—that he believed we need a Triple-E Senate, because when he was in the caucus in Ottawa he had to vote the Party line. So we need someone else to actually represent us.

In terms of the structure, I have given you this outline. It is reasonably well thought out. I think that you can make which ever changes you want to it, make suggestions to it. It has been reasonably well developed.

There seems to be an inherent deterrence from looking at an equal, elected, effective Senate. People think of it as being too much American. I think it is one element that, if we do not want to become Americans, perhaps we should adopt some of the same things that they have. Their Senate is one thing that seems to work, but not just in the United States; there are other places where it works very effectively, I think most notably in Australia.

We need to get rid of this element in Canada of executive federalism. It should be described for exactly what it is—an elected dictatorship. In terms of the necessity of an equal and elected and effective Senate, I would ask you about a couple of rhetorical questions. If, in this country, we had had an equal, elected and effective Senate, would we have had the national energy fiasco of the early 1980s? It was a blatant anti-regional piece of legislation, thinly veiled as energy policy. I do not think we can take too much heart as Manitobans and say, well, that was Alberta that got it then. We should all keep in mind that we are Manitoba and we have electricity, and Ontario is running short. When will that become so much in the national interest that the federal Government will have to become involved and take it away from Manitoba?

If we had an equal, elected and effective Senate, would the CF-18 controversy have occurred? I think, quite frankly, no, it never would have. That abomination never would have happened.

Lastly, I think a topic that is perhaps near and dear to everyone's heart—well, I do not know if it is near and dear, but it is close to everyone's pocketbook these days—is the goods and services tax. I ask you this question. If we had more elected senators, and I think the example is the elected senator from Alberta, Mr. Waters, do you think that the goods and services tax would have stood a hope in hell of passing? Absolutely not. It never would have passed.

I would like to close by talking about what I think is an interesting opportunity we have for leadership here in Manitoba to move towards an elected Senate, and that is holding a Senate election.

As we all know, Senator Guay retired in October—on the 4th of October. However, because of the Prime Minister's shuffle into the Senate, no one could occupy that seat. That seat will likely become occupiable in another approximately three years. That allows us to test out what it would be like to have an elected senator for Manitoba.

We could have an election at the next civic election next fall. It would also become an issue at the next federal election. What Party is going to put that elected senator in where the elected senator should be? It is an interesting element that we should give thought to. It is something that we can do, and Manitoba can set the stage and take the leadership, the kind of leadership we showed on Meech Lake, with respect to electing a senator. That is all I have to say. If you have any questions, I would be more than eager to answer them.

Mr. Chairman: Thank you, Mr. Parsons. Could I just clarify, sir, before I ask for questions? Is this the Smellie-Lamont, et cetera, Triple-E proposal, in other words the Manitoba committee, or is this the Parsons proposal, and is there a difference?

Mr. Parsons: I gave this to you. This came out of a publication and it is a model of a Senate. I think it is exactly the same as what Mr. Lamont has been involved in. It came out of a publication and it is there.

Mr. Chairman: You are not part of the Manitoba Triple-E group?

Mr. Parsons: No, I am not part of Mr. Lamont's group whatsoever, but these models are here, they are around, we can look at them, they are tangible, we can deal with them.

Mr. Chairman: Any questions?

Ms. Friesen: You identified Canada's problems, at least some of them, as being empowerment, accountability. I am wondering in what ways the House of Commons is not accountable? When you have the opportunity every four years to turn the whole lot out, do you want that kind of accountability on a more frequent basis? Why is that not accountable?

Mr. Parsons: The structure, I think, as you are quite well aware, is that the Members of Parliament go to Ottawa and they do not represent their people, they do not represent what their people want. Your colleague Mr. Blaikie, who is a federal relative of your Party—

Ms. Friesen: You have the opportunity to turn them out every four years. Is that not accountability?

Mr. Parsons: If I can just continue—he did not vote against Meech Lake. He voted for it. Was he voting with the people of Manitoba? I do not think that once every four years is quite frankly good enough. I personally would like to see individuals in this country have a constitutional right of recall. It should not be a trivial or an easy matter, but when you have people who so offend what individuals in their constituency want, the people of that constituency should have the ability to toss out that Member. It should not be trivial, not a trivial mechanism. When we have individuals who so have offended us, it should be possible to get rid of them in between terms.

Ms. Friesen: Something more frequent than every four years. If that were the case, if you had the right of recall and that was the level of accountability that you wanted, why then would it be necessary to have a Senate?

Mr. Parsons: This is a country that has a large population centre in Ontario and Quebec, and I do not begrudge them that. There must be a bicameral Legislature because, first of all, it must meet the needs of the large population centres in central Canada, and those large population centres should be represented by population in the House of Commons. At the same time, we also need more regional representation. It is well known that while we represent about a third of the population of Canada and generate about a third of the gross national product—

Ms. Friesen: We?

Mr. Parsons: —we receive less than 10 or 12 percent of Government contracts or purchasing, et cetera. I mean, we have been perennially disadvantaged.

Ms. Friesen: When you say "we," who do you mean?

Mr. Parsons: I mean we as a region, western Canada.

Ms. Friesen: Including British Columbia or just to Alberta?

Mr. Parsons: All of the West. We are in a situation where we need a bicameral Legislature in the House of Commons and the Senate, one that will represent by virtue of population as it should and one as a centre of sober second thought that would represent the interests of regions.

Ms. Friesen: You had mentioned the possibility of an election for senators in Manitoba, and you have assumed naturally that this would be along Party lines, I think, when you made your presentation.

I wonder how this gets around the problem you identified earlier with Canadian democracy, that people vote on Party lines and are not representing, as you believe, the interests of their constituents. How is the Senate elected on Party lines going to change that?

Mr. Parsons: It is a very interesting question. I think various people have talked about removing politics from the Senate, and I think if you look back a number of years ago, there was a committee in the province of Alberta that developed a proposal. They went through reams of public hearings and developed a proposal where they wanted to have it non-partisan. I do not think you can make it non-partisan. What we can do is make representatives, whether they be senators or Members of Parliament, accountable to the people whom they are supposed to represent. If by the broad spectrum we have all the views that the people of this country represented, we will have the majority view in this country. That is missing. We do not have that now in Canada. It is definitely missing and we need it.

* (2250)

Ms. Friesen: You mentioned the Australian Senate and you believe that that was effective. I wonder if you could give me reasons why, since that is elected on a straight Party slate and resulted in the 1970s in one of the most significant constitutional crises the Australians have every seen. Why is it so effective?

Mr. Parsons: One can look at different Legislatures. There are different ways of electing. You can even go—

Ms. Friesen: You were giving us the example of Australia, however, and I wondered what is particularly valuable in that case.

Mr. Parsons: The fact that it is not the United States and that it has worked reasonably well. Oh, there have been problems, but have we had problems here? Those problems have been largely resolved.

In Germany it is elected by delegation, but they have a bicameral Legislature on the federal level.

Ms. Friesen: You are really directing us to look at other Senates, not particularly the Australian one.

Mr. Parsons: There are many examples, the United States—I mean Poland, my God, even has an elected Senate now and Canada does not.

Ms. Friesen: Thank you.

Mr. Chairman: Thanks, Mr. Parsons. Ladies and gentlemen, we have one other presenter who has signed up and been on our list for some time and, of course, we are looking forward to hearing that presenter. There are two others who have come in this evening and have asked to be heard.

I would only, I am afraid, be able to afford them that opportunity if they were both able to be less than five minutes. We have been here since ten o'clock this morning and we have to be back at ten tomorrow morning. I wonder, if the two other presenters who were not our lists but have come this evening, if that would be acceptable to them. Are they prepared to live with that time stricture? Thank you, then I call on the Sisters of Sion, represented by Sister Margaret Hughes and others. I am sure you will introduce the others, Sister.

Sister Margaret Hughes (The Sisters of Sion): Thank you very much for hearing us this evening. I am Sister Margaret Hughes. This is Sister Virginia Scissons and Sister Mary Babic. I would like to apologize for the state of this paper. We were going to have it typed and sent to you tomorrow and did not realize that it would be xeroxed and given to you in the state it is.

Mr. Chairman: It is perfectly legible. You might want to just pull the microphone a little bit closer, if you will, please.

Ms. Hughes: The Sisters of Sion are an international Catholic order with Canadian houses since the turn of the century and a community in Manitoba since the 1950s. For the past 12 years, the Winnipeg community has lived and worked in the inner city in solidarity with aboriginal people.

Our order has a vision based on, and I quote, "The biblical perspective of human life: namely the dignity of the human person, the love that God has for each person in his/her uniqueness and for each people in its distinctiveness. Because the various forms of oppression and discrimination are interrelated in our world, we are convinced that justice for any group of people will not be fully attained until there is justice for all." That is a quote from the Sion Constitution which we changed in 1984.

It is from this perspective that we wish to address some reflections concerning the place of aboriginal peoples in the Canadian Constitution. The history of non-aboriginal relations with aboriginal nations in this land is a chronicle of colonialism, genocide, racism, religious suppression, greed and deceit. It is a shameful history, a fundamental flaw in the nature of Canada, Canada's original sin. This history of oppression is increasingly well documented and beyond debate. Our purpose tonight is not to delineate the wrongs in our history, rather to acknowledge the basic injustice at the heart of this nation and to call the Manitoba Government to adopt a constitutional stance that will rectify this injustice.

Aboriginal peoples have not been full partners in the constitutional processes undertaken in this country in the past decade. That fact led to the downfall of the flawed Meech Lake Accord. It was defeated here in Manitoba by Elijah Harper and the people of the First Nations because once again their status, roles, issues, rights and aspirations were not accorded their legitimate place.

The phrase "distinct society" has become popular, describing the unique history, culture and contributions of Quebec. Much attention and energy are expended addressing Quebec's place in Canada; its unique cultural, linguistic, economic and social realities. As a country, we are seeking a relationship that recognizes differences, respects and values uniqueness. This goal cannot be achieved unless it includes constitutional justice for aboriginal peoples as a first priority. Aboriginal peoples must be included as full and equal participants in constitutional change. It is not acceptable that they be excluded from the process or expected to have their rights represented by non-aboriginal representatives.

Aboriginal cultures and languages must be protected to ensure their future. Land claims must be settled and treaties fulfilled. Aboriginal young people have a right to grow up secure in their culture with access to all the opportunities, privileges and duties of citizenship in this country.

We cannot change our history, but we can ensure a different future. We can acknowledge the wrongs of the past, correct the current injustices and structure a future of just relations recognizing aboriginal peoples as the fundamental and original characteristic of Canada.

This is an issue of basic justice. A rich, vibrant and strong Canada cannot be built without addressing our oppressive and unjust past. A new relationship is called for. A Constitution will not guarantee a new relationship, but it will lay the essential groundwork.

We ask you Members of this task force to urge the Manitoba Government to act clearly and forcefully to ensure the just constitutional inclusion of aboriginal peoples and rights. Thank you.

Mr. Chairman: Thank you, Sister. Are there any questions?

Mr. Praznik: Mr. Chair, I have just a very brief comment. I think many of us on the task force are aware of the very good work that you do in our capital city and our province. I think on behalf of the province, something that often is not said, just a thank you.

Mr. Chairman: Any questions? Thank you very much for a very clear presentation and, may I say, very brief but to the point.

Ms. Hughes: Thank you.

Mr. Chairman: Mr. Joe Anderson. I am sorry to put the time constraint on you, sir. I hope you understand the situation.

Mr. Joe Anderson (Private Citizen): No problem, Mr. Fox-Decent.

Mr. Chairman: Thank you.

Mr. Anderson: I thank you for accepting me today, as well as the chair Members. I did have quite a spiel written out, but what I had promised the secretary when I phoned her was that it was short anyway. It was just a suggestion in regard to the Native issues that have been around for some time. It is something that I find could be very beneficial. So as just a suggestion, I would make it very simple and clear that it has to do with Crown lands and federal properties that are sitting dormant and vacant be utilized by the Native organizations to create financial security on behalf of their organizations and that they have first right of refusal given and appointed to them on any of the properties that come up anywhere in our fair country. That should not be too much of an order provided that what we have gone through and how things have occurred in the past, and I believe it could be a fair suggestion. With that—that is how simple it is.

Mr. Chairman: All right, sir, thank you. Yes, one of my colleagues is asking, do you have something in writing that you would like to leave with us?

Mr. Anderson: I have, and can prepare something that I will leave, and drop off.

Mr. Chairman: If you would like to send it to the address that is indicated in the pamphlet, sir, we would be glad to receive it. It does not have to be in typed form. Written form is fine. Whatever is best for you.

Are there any questions?

* (2300)

Ms. Friesen: Yes, what you are suggesting sounds very similar to the kind of arrangement that has been made in Prince Albert, between the Peter Ballantyne Band and the old Crown land within the city of Prince Albert. That was done as a land entitlement exchange, not exchange, rather as a land entitlement fulfillment, and I wonder if that is what you are suggesting? Are you suggesting a principle that goes beyond that?

Mr. Anderson: A principle that goes beyond that.

Ms. Friesen: Will that be addressed in the paper?

Mr. Anderson: That will be addressed in the paper.

Ms. Friesen: I look forward to that. Thank you.

Mr. Chairman: Probably, sir, I would not presume to impose a time line on you, but if it could be sooner rather than later it would be helpful, I think.

Mr. Anderson: Okay.

Mr. Chairman: Any other questions? Thanks again.

The last presenter of the evening, Ms. Debbie Burns. Again Ms. Burns, I am sorry to impose the time line. You were kind enough to agree, so please proceed.

Ms. Debbie Burns (Private Citizen): You were kind enough to include me at the last minute, so it is short.

When I think of our constitutional crisis my first thoughts are on the divisiveness between Quebec and the rest of Canada, Francophones versus non-Francophones. I have chosen to focus my presentation on this area.

After viewing a televised ad depicting a boy running down the highway, falling behind, symbolizing Manitoba's education underfunding I felt compelled to voice the absurdity of our present situation. Our health care and educational systems are in terrible financial straits. The federal Government speaks of health care cutbacks in areas that duplicate services. That makes sense. The most overduplicated service across Canada is overservicing in French and English. Where is the French population to warrant bilingual services in Vancouver, Victoria, Edmonton?

Billions have been spent—I repeat, billions have been spent—on bilingualizing Canada while our universal health care program, that which gave Canada its unique identity, faces severe cutbacks in funding. We have less money for Manitoba education, yet by 1992 Manitoba will somehow be able to afford two completely separate school boards, French and English.

I resent being labelled a bigot for not embracing bilingualism. I, like most Canadians, come from a richly diverse heritage. Mine is actually half French. No one culture or language can claim to be any more or less distinct than any other. I am a Canadian first and am concerned that necessities such as health, welfare and education are to be sacrificed while our politicians continue forcing their will upon us.

Language courses should be offered in the school system depending on the diversity of the population, however, not to be determined by furthering job security produced through Government legislation but on cultural value to the community.

At present the average Canadian is bearing the burden of some of the most insidious taxation ever known to Canada in an effort to reduce the federal deficit despite objections from the federal Government that it is the deficit it is focused on, caused in great part by the two official languages Act.

How can we justify the cost of French immersion programs when at best these students graduate from school only able to falteringly speak French, only to lose this level of skill in a matter of a few years unless they can in some way be kept immersed in a French environment? What is it costing Canada in its effort to bilingualize the RCMP with expensive trips to Ottawa? Some are linguistically talented. However, that is not the norm.

Quebec at the very least—this is two weeks old—talks of sovereignty association with Canada. Quebec will tell you it was the federal politicians who wanted bilingualism across Canada, yet try and suggest a reversal of this and Quebecers cry anti-French.

It is time that the rest of Canada speaks out on what Canada can afford to give Quebec, balancing out in fairness that money spent benefits, and I emphasize, all Canadians, not just one province. Quebec has many legitimate concerns, and I respect and acknowledge this. The coffers are empty, however, and Quebec seems to be ignoring this fact. Quebec must start showing some respect for all the different cultures that make up Canada.

Canadians must voice their concerns on what must be the priorities, health care, social programs and quality education for all Canadians. Our politicians seem intent on frittering away these institutions while they continue to idealize and theorize what is best for Canadians. Our politicians are in great need of a long overdue dose of reality, prioritizing the needs, and I emphasize again, of all Canadians.

Thank you very much.

Mr. Chairman: Questions now.

Ms. Friesen: I am sorry this has come at the end and it is such a short time, but I did want to ask you some questions about your difficulties perhaps with the immersion education. You suggest that at best the students who are graduating from immersion programs speak only a halting French. I wondered what the evidence for this was. Is there some particular article we could read or some evidence that—

Ms. Burns: From my own general experiences—I mean, I do not know how valid this would be in certain circles, but I do have babysitters that have gone through the total French immersion program, and I feel that their, I guess, experiences are valid enough for me to speak on their behalf. It is, I suppose, also having done some homework and having phoned school boards to find out what the costs are, I find in view of the fact that we are facing cutbacks everywhere in our education now, that it seems a little bit ludicrous that we have to pursue one specific culture when the basics in our education are obviously not being attended to. It would be nice to live in a utopian society where we could look after everybody, but I do not think Canada or Manitoba has the funding for it.

Mr. Friesen: So it is not a particular statistical study or an educational study that you are looking at, it is the experience of the people you know in your own immediate circle. There are so many immersion programs, those that start in kindergarten, those that start in Grade 4, those that start in Grade 7, some which start in high school. You know, since we are spending additional monies, as you suggest, on this it would be useful to know on what basis you are making this judgment.

Ms. Burns: Well again, as I said, I considered the experiences I have heard not just from students themselves, from people who have done research on the French immersion program.

Ms. Friesen: Are there particular studies we could look at then?

Ms. Burns: Yes.

Ms. Friesen: Could you let us have them?

Ms. Burns: I could get you in touch with the people.

Ms. Friesen: That would be good, yes. Thank you, because my experience has been quite different. I would like to know the particular evidence you are making this judgment on.

The other question I had was that you, I think, suggest that quality education is something which Canadians obviously all look upon as a right, and something that we value. I wonder if we can consider immersion education, quality education. Why are you excluding that education in languages as not quality education or am I misunderstanding you?

Ms. Burns: No, I feel that everyone has the right to languages. My grandfather spoke seven of them so, obviously, I come from a various background—French, Cree, Scottish, Polish, Russian, the works. I guess the point I am trying to make is that at the expense of taking money away from essential programming that educates us—I guess I am getting down to things like the three Rs, things that would qualify you for jobs, and I am not talking about Government positions—that that money is obviously not there.

It seems to me that if we have to cut back on funding and teachers in all facets of our education, and yet we can afford to fund a French and an English separate school board, obviously we are not being responsible. As I said before, if we could afford that sort of funding, I could see nothing wrong with sponsoring all sorts of cultures and not just the French one, depending on the population—the diversity of the population. It just seems to me that we are obviously not in that situation.

* (2310)

Mr. Chairman: Are there any other questions? Thank you very much, Ms. Burns.

Ms. Burns: Thank you.

Mr. Chairman: We have come to the end of our evening, ladies and gentlemen. It has indeed been a long one, another interesting group of presentations.

I thank you for being with us tonight, if you are presenting or simply here as audience. I want to say a particular word of thanks to our television viewers. Through the courtesy of Videon and Greater Winnipeg Cablevison, Channel 7, we had live coverage all day, and we very much appreciate that.

If you have nothing better to do with your Saturday tomorrow, and you are are looking for an informative day, the television coverage will begin again at 10 a.m. tomorrow and will run all day. We look forward to seeing some of you, we hope, back with us in the audience tomorrow, and of course there will be another full day of presentations.

I wish you a good night and thank you very much.

HEARING ADJOURNED AT: 11:12 p.m.